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TOWN OF UXBRIDGE BOARD OF HEALTH REGULATIONS

ARTICLE I GENERAL APPLICATION

Regulation 1. The regulations of the Commonwealth of Massachusetts, as set forth in the Sanitary Code, Department of Public Health, shall apply throughout with such regulations as may be approved by the Board of Health. These regulations were adopted by the Board of Health on December 19, 1977, and published in the Tribune Advertiser in December, 1977.

Regulation 2. Title 1 of the Sanitary Code shall govern the applicability and administration of these regulations.

Regulation 3. Whoever, himself or by his servant or agent or any other person of any firm or corporation violates any regulation adopted by this Board for which no penalty by way of fine or imprisonment, or both, is provided by the Sanitary Code or other provision of the law, shall be fined not more than twenty-five dollars per offense and each day shall consist of another offense.

ARTICLE II MINIMUM STANDARDS OF FITNESS FOR HUMAN HABITATION

Regulation 1. Article 2 of the Sanitary Code shall apply.

Regulation 2. Any person owning any building or premise in the Town of Uxbridge in or upon which is an offensive debris, a vegetable substance which is offensive, shall, when ordered by this Board, dispose of the same within such time as stated in the order.

Regulation 3. All cellars must be kept at all times in a clean condition, property ventilated; no decayed animal or vegetable matter shall be allowed to accumulate. All cellars will be cleared by owners when ordered to do so by the Board of Health.

Regulation 4. All garbage shall be stored in tight containers in a place convenient for removal by persons authorized by the Board of Health to effect such removal. Agents for removal of garbage will report to the Health Agent or Board any container that has become offensive in any manner.

Regulation 5. No public or private premises within the Town of Uxbridge shall be used as a dump.

Regulation 6. The owner of any house or building, or part thereof, which is rented, leased or hired out to be occupied, or is occupied or intended to be occupied as the home or residence of three families or more living independent of each other, and every lesser of the whole or of three or more tenements in any such house or building shall annually during the month of April file in the office of the Town Clerk a notice containing his name and address and also a description of property by street number or otherwise, as case may be, in such a manner as will enable the Board of Health and Building Inspector to easily find the same. The notice shall contain the name and address of some agent for the house, and the purpose of receiving service of process, and the notice to and service of process upon such agent shall bind the principal.

ARTICLE III HOUSING AND SANITATION STANDARDS FOR FARM LABOR CAMPS

Regulation 1. Article 3 of the State Sanitary Code shall apply.

**ARTICLE IV
SANITATION STANDARDS FOR RECREATIONAL CAMPS FOR CHILDREN**

Regulation 1. Article 4 of the State Sanitary Code shall apply.

**ARTICLE V
MINIMUM STANDARDS FOR DEVELOPED FAMILY CAMP GROUNDS**

Regulation 1. Title 4 of the State Sanitary Code shall apply.

**ARTICLE VI
REVISED ARTICLE VI REGULATION AS OF APRIL 2,1999
MINIMUM STANDARDS OF SANITARY LANDFILL OPERATION**

Article VI is hereby revised to read: Minimum Standards of siting and Operating of Sanitary Landfill M.G.L. c. 111, ss. 31, 31A, 31B and 150A, M.G.L. c. 40, ss 44A through 44F, Site Assignment Regulations for Solid Waste Facilities (310 CMR 16.00) and Regulations for the Disposal of Solid Wastes by Sanitary Landfill (310 CMR 19.000) shall apply.

**ARTICLE VII
MINIMUM STANDARDS FOR SWIMMING POOLS**

Regulation 1. Title 2 of the State Sanitary Code shall apply.

**ARTICLE VIII
MINIMUM STANDARDS FOR BATHING BEACHES**

Regulation 1. Title 3 of the State Sanitary Code shall apply.

**ARTICLE IX
MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS, FARM AND DOMESTIC PETS IN OTHER THAN
STOCK YARDS**

Regulation 1. No person shall keep or allow to be kept within the limits of the Town in any building or on any premises on which he may be the owner, lessee, tenant or occupant any horse(s), cow(s), goat(s), chicken(s), duck(s), geese, turkey(s), sheep, swine or any other animal except family pets without written permission of this Board.

Regulation 2. Permit to Erect. No person shall erect any stable in the Town of Uxbridge until he (she) has presented a petition on a prescribed form to the Board of Health and has received such permit. No permit will be issued for a stable to be constructed on any plot containing less than 2 acres (87,120 square feet). This permit must be presented to the building inspector when applying for a building permit.

Regulation 3. No person shall use any building in the Town of Uxbridge as a stable until he (she) has presented a petition upon a prescribed form to the Board of Health and license has been granted.

Regulation 4. Construction of Stables. Every stable hereafter shall be provided with a water-tight manure pit, unless manure is removed daily in a manner satisfactory to the Board of Health. The stable shall be properly ventilated and connected with sewer unless otherwise allowed by the Board of Health.

Regulation 5. No person shall keep or allow to be kept any number of domestic animals which shall constitute a nuisance.

Regulation 6. Every person keeping any animal shall cause a place where they are kept to be well ventilated and kept clean at all times.

Regulation 7. Dead animals shall be buried, incinerated or otherwise disposed of in such a way as to prevent attraction of flies and prevent odors; and such disposal shall be made within 24 hours. This regulation shall not apply to slaughtered animals for human consumption.

Regulation 8. Farm animals shall be kept in an area securely fenced as to prevent escape therefrom. Swine will be kept in areas approved by Board of Health and are property secured.

Regulation 9. Permits will describe each area where animals will be kept and will specify the maximum number of animals, none in excess of the number of animals specified shall be kept therein.

Regulation 10. Swine

10.1 Garbage shall be fed to swine only on platforms which are water-tight and constructed as to prevent spilling onto ground.

10.2 Platform shall be portable as to allow cleaning of ground.

10.3 Ground around feeding area shall be treated in a manner as to prevent noisome odors and attraction of flies.

10.4 Platform shall be maintained in good repair.

10.5 Platform shall be cleaned daily.

10.6 Mulch shall be periodically removed and replaced with clean sand.

10.7 The term garbage when used in the regulations shall be deemed to include produce offal and waste matter from markets, hotels, restaurants and schools, decaying or perishable vegetable or animal matter, as well as domestic and household scraps.

10.8 Garbage for feeding of swine shall be stored only in a water-tight container, and shall be covered in use or when empty. Permanent containers shall be equipped with proper drainage.

Regulation 11. Disposal of Manure

11.1 No owner or occupant of a stable shall allow quantities of manure to accumulate or remain uncovered outside of a stable.

11.2 No person shall remove or carry manure through any public or private street in a vehicle which will allow manure to be dropped on the street.

11.3 Manure pit shall be emptied every ten (10) days or thereabouts from April first to November first, unless same is constructed as to proof against flies.

11.4 Manure above ground must be covered with earth or acid phosphate or other deodorizing materials so as to prevent the escape of noisome odors and prevent attracting flies.

Regulation 12. Revocation of Permits. Every permit granted for occupancy of a stable may be revoked at any time when it shall appear to the Board of Health that such revocation is necessary to protect the public health and safety or that the conditions of the permit have been violated.

Regulation 13. Variances. The Board of Health may vary application of any provision of this article with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. All variances will be in writing a copy, while it is in effect, shall be available to the public at reasonable hours in the office of the Town Clerk and a copy will be filed with the Commissioner of Public Health of the Commonwealth.

13.1 Variance, Grant of Special Permission, Expiration, Modifications, Suspension of: A variance or modification authorized to be made by this article may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given the opportunity to be heard in conformity with requirements for an order and hearing.

Regulation 14. Unconstitutionality Clause. Should any section, paragraph, sentence, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be effected thereby.

ARTICLE X

MINIMUM SANITATION STANDARDS FOR FOOD SERVICE ESTABLISHMENTS AND FROZEN DESSERTS

The Uxbridge Board of Health acting under the authority of Massachusetts General Laws, Chapter 111, Section 31 adopts the following rules and regulations governing the practice of the operation of a food service establishment.

Regulation 1. 105 CMR 590.000, Chapter 10 of the State Sanitary Code Food Establishment Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Uxbridge.

Regulation 2. All food permits shall expire on May 31.

Regulation 3. Every permit holder must possess current copies of the Uxbridge Food Regulations, 105 CMR 590.000, and any other regulations the Board of Health may reasonably require.

Regulation 4. Plans and specifications for all new establishments and of all proposed and/or fixed equipment, walls, floors, ceilings, shelving, etc. are considered a part of the application.

Regulation 5. All food establishments shall be inspected by the building inspector prior to the opening and at the request of the Board of Health agent anytime thereafter.

Regulation 6. Hand wash sinks shall be limited in size to a maximum width of 20 inches and depth of 8 inches and shall not be installed in any counter or with drain boards. Food preparation, serving, or storage areas shall be protected from contamination from the hand wash sink. All existing establishments without at least one hand wash sink in the food preparation area shall have a hand wash sink installed prior to May 2001.

Regulation 7. Any application for a temporary food permit shall be submitted to the Board of Health no less than fourteen (14) days before the event.

Regulation 8. Existing establishments that are transferring to a new owner and there will be no modification of the type of product offered nor modification of the facility may be submitted up to fifteen(15) days prior to the transfer date. Before a transfer can be completed, a full inspection by the Board or its agent must be completed with no critical violations outstanding. Establishments previously grandfathered must be brought into compliance with these regulations.

Regulation 9. No food establishment shall add any form of food service without the written approval of the Board of Health. Application for the approval of any such additional service must be done in writing to the Board of Health.

Regulation 10. Documentation of successful completion of a course in food safety and sanitation must be on file in the Board of Health Office. This documentation must be on file prior to renewal of a permit or a new permit being issued.

Regulation 11. Each establishment having a seating capacity of 25 persons or more shall have one or more persons on duty when food is being served trained in chokesaving techniques as required by MGL Ch. 94 s.304D and must file proof of training with the Board of Health with new and renewal applications. Individuals must be retrained annually.

Regulation 12. All caterers licensed by the Uxbridge Board of Health must maintain a record for a minimum of ninety(90) days of catered functions which include at least the following: date, person (name, address, & telephone number) contracting services, menu, food preparation staff, wait staff, and approximate number of persons served.

Regulation 13. No vehicle used to transport trash, rubbish, garbage or other wastes shall be allowed to transport food intended for human consumption.

Regulation 14. All food establishments using a fryolater or with 10 or more seats, must have their grease traps cleaned by the following methods: a) at least 4 times a year by a licensed company that cleans grease traps, or b) by the licensed food establishment using the guidelines supplied by the Uxbridge Board of Health. Documentation must be shown at routine inspections on a form provided by the Town of Uxbridge.

Regulation 15. Routine Inspections of food establishments shall be conducted by an agent of the Board of Health twice a year or as deemed necessary by the Board of Health. The food establishment inspection report will be used to report inspections. In addition, each of the items on the Food Service establishment report will be assigned a numeric weight, the total equal to 104 points. For each violation, points will be subtracted from 100. A score of less than 94 points, a written Order to Correct will be issued. These scores shall be reported at the next regularly scheduled meeting of the Board of Health and may be published. Orders to correct shall be issued by the Board of Health or their agent. Time permitted for compliance shall depend upon the nature of the violation. Critical violations must be in compliance within five (5) business days.

Regulation 16. Repeated Violations. Any violation of these regulations that recurs within one year following an inspection shall be considered a repeat violation. Such a violation shall be sufficient cause for revocation or suspension of a permit.

Regulation 17. Permit fees cover two routine inspections and one follow-up of each said inspection. A \$25.00 re-inspection fee will begin after the first follow-up inspection has been concluded. Any inspections performed from a complaint are not considered to be a re-inspection. If after a third re-inspection, the same violations remain, a hearing will be held and the establishment will be subject to be closed by the Board of Health. An establishment will not be invoiced for the re-inspection fee. Payment must be made at the time of the re-inspection or upon renewal of the food establishment permit. No permits will be issued until all fees have been paid, including regulation FC8-303.20 Section H of 105 CMR 590.000.

FROZEN DESSERT MACHINES AT THE RETAIL LEVEL

Regulation 1. 105 CMR 561.000, Frozen Desserts, Frozen Dessert Mixes and Ice Cream Mix Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Uxbridge.

Regulation 2. Permits are required for frozen dairy dessert machines at the retail level. The fee is \$10.00 annually per establishment.

Regulation 3. The permit period is from March 1 to February 28.

Regulation 4. Laboratory tests must be conducted for a standard plate count and a standard coliform count by a certified laboratory during each month that the machine(s) is in use by the 28th day of that month. These results are due in the Board of Health office by noon on the second Friday of the following month. Yogurt machines are exempt from the standard plate count but not the coliform count.

Regulation 5. Failure to submit this report will result in revocation of the permit.

Regulation 6. Permission to resume using and selling products from the machine(s) again will not be granted until the laboratory results are submitted to the Board of Health office; and the laboratory results are within acceptable standards; and the Health Agent contacts the establishment and grants permission to re-operate the machine(s).

Regulation 7. The Board of Health may require a new permit fee for each establishment that has its permit revoked.

**ARTICLE XI
MINIMUM REQUIREMENTS FOR SUBSURFACE SEPTIC SYSTEMS**

STATEMENT OF LEGAL AUTHORITY

The Board of Health, Town of Uxbridge, Massachusetts in accordance with, and under the authority granted by Sections 31A and 31B of Chapter III of General Laws of the Commonwealth of Massachusetts do hereby adopt the following regulations. All other regulations of the Board of Health inconsistent with these regulations are repealed as of April 7, 2000.

PURPOSE

This regulation is intended to protect public health, safety and the environment by regulating Subsurface Septic Disposal Systems and wells in the town of Uxbridge.

DEFINITIONS

OCCUPANCY: See 780 CMR 202

OWNER: See 310 CMR 15.002

PUBLIC WELLS: See 310 CMR 22.02

UPLANDS: Those areas not designated wetlands, waterways or watercourses by the Wetlands Protection Act.

I. TESTING

- A. All testing required by these regulations and 310 CMR 15.000 shall be done in accordance with 310 CMR 15.000 as amended and shall be witnessed by the agent for the Board or a Board Member.
- B. Applications for Percolation Tests and Deep Observation Holes shall be completed by the owner and left at the office of the Board of Health with a check made payable to the Town of Uxbridge to cover current applicable fees. Application must be made prior to testing. The Agent for the Board may waive the requirement and fee under certain circumstances (i.e., emergency repairs, work for the Town of Uxbridge).
- C. The Engineer performing the testing must contact the Agent a minimum of seven days prior to test to schedule observation of Percolation Test and Deep Observation Hole.

II. DESIGN PLANS

- A. Upon satisfactory completion of percolation tests and deep observation holes, a plan of the proposed sewage disposal system must be drawn in accordance with the most current 310 CMR 15.000 and these Regulations and submitted to the Board. Three (3) copies of plans and completed soil logs on D. E. P. soil log forms or their equivalent are required. Application for a Disposal Works Construction Permit shall be completed, in duplicate and submitted to the Board with a check made payable to the Town of Uxbridge for the current applicable fee.
- B. Leaching fields, beds or other Massachusetts Department of Environmental Protection-approved alternate technologies are not allowed for new construction unless prior written approval is obtained from the Board of Health. If allowed, the minimum size shall be 800 square feet of leaching area for new or repair construction. Leaching fields or beds are allowed for repair if the owner/engineer can demonstrate that absorption trenches are not a feasible option.
- C. The area between leaching trenches may not be used for any portion of the reserve area.
- D. In areas where the soil is unable to be saturated during the percolation test, a pump system or pressure dosing or a six (6) foot separation to ground water from the soil absorption system is required.
- E. Septic tanks shall be fitted with concrete collars 24" minimum inside diameter as necessary to bring at least one access cover to within not more than 12" below finished grade.

- F. After the system is installed, caution tape is to be placed around the system to insure that no construction vehicle will pass over the system until occupancy has been effected.
- G. Sewage Disposal Plan Requirements: In addition to the plan requirements stated in 310 CMR 15.000, all plans shall include the following:
1. The name of the applicant, owner's name and name of the individual for whom the Percolation Test was performed, if different from present application. The lot designation, including street number, must be shown and reference made to the lot designation used when the Percolation Tests were performed (if different).
 2. The minimum scale for all plans submitted for the review shall be 1" = 20'. No photocopies will be allowed. If, in the opinion of the Board of Health or its agent, the plan is not legible, it shall be returned without review.
 3. Plans shall show a minimum of two (2) benchmarks on the site (both location and elevation are to be shown), one (1) of a permanent nature (drill hole in boulder or ledge, top of bound, spike in tree).
 4. Topography at minimum two (2) foot contour intervals shall be shown on the plan to a minimum of fifty (50) feet in all directions from proposed sewage system and expansion area. Additional topography shall be required by the Board or its Agent if, in its/his opinion, a greater distance is required to evaluate the proposed sewage system as to compliance with all Local and State Regulations. Driveways with appurtenant grading must be shown if within 100' of sewage system.
 5. Riparian zones and watercourses as defined by the Wetlands Protection Act, as amended, within two hundred (200) feet of sewage system shall be shown or a statement of certification that none are known to exist within two hundred (200) feet of the system.
 6. The location of all private water supply wells and any municipal water supply pipes within two hundred (200) feet of the proposed system shall be shown or a statement of certification that none are known to exist within two hundred (200) feet of the leach area.
 7. Distances to the proposed leach area and proposed well shall be shown from property lines or known points of reference to insure the system and well installation in the designated locations.
 8. All utility poles with their respective numerical designations shall be shown within one hundred (100) feet of the property line or within one hundred fifty (150) feet of the soil testing area, whichever is the lesser.
 9. A statement shall be placed on every plan submitted stating that subsurface drainage, including footing drains, is not to be located closer than the following distances:

 In areas not tributary to surface water supplies or zone 2 of public wells:
 Septic tank 25 feet
 Leaching facility 25 feet

 In areas tributary to surface water supplies or zone 2 of public wells:
 Septic tank 100 feet
 Leaching facility 100 feet
 10. The minimum Long Term Acceptance Rate shall be 0.6 gpd/sq.ft.
- H. Sufficient elevations shall be shown including final grades at each of the four corners of the building, to indicate clearly how the surface drainage is to be handled. In some cases it shall be necessary to consider effect on nearby properties. No low spots that allow ponding of rainfall shall be permitted.
- I. No garbage disposal units shall be installed in buildings served by subsurface sewage disposal systems.

- J. When a sewage disposal system is to be installed in fill, inspection of the disposal area shall be made by the Agent prior to, and after placement of the fill, but prior to installation of the stone in the leaching area. A final inspection shall be made when the stone has been installed.
- K. The Board or its agent may require testing of any septic aggregate for quality using a test acceptable to DEP or the Board, and may reject any aggregate failing the to meet the requirements of 310 CMR 15.255 or an appropriate field test. Testing will not be at the expense of the Board of Health.
- L. The minimum vertical separation between the bottom of the soil absorption system and the high groundwater elevation shall be as set forth in 310 CMR 15.000. This separation distance shall be increased by the Board of Health or its Agent if in its/his opinion conditions warrant, or as specified in II. D.
- M. Upon approval of the subsurface sewage disposal plan, a Disposal Works Construction Permit will be issued. This permit must be issued to a licensed installer before construction may begin.
- N. The soil absorption system and/or the reserve area shall be placed where the Deep Observation Hole and Percolation Tests were performed. If they are not, test holes in the actual soil absorption and/or reserve areas must be performed. Calculations shall be based on the deep holes and percolation tests in the actual area.

III. INSPECTIONS AND CERTIFICATION

- A. Inspections are charged at the current applicable fee.
- B. All required information including, but not limited, to soil logs on DEP forms, deep hole and percolation test results must be on file before the zoning card will be signed.
- C. The Board of Health may require participation of the designing engineer or his agent at all Board of Health inspections.
- D. The Board of Health requires three (3) complete as-built plans with sufficient information to ascertain that the system is located in the approved test area and complies with the requirements of 310 CMR 15.000 and all local Board of Health requirements.

The as-built plan will be stamped and signed by the design engineer, be a minimum size of 18"x 24" and be at 1/20 scale. It will contain but not be limited to the following:

- 1. Street address as well as lot number of property.
 - 2. Location of house with adequate ties off property line to verify its location.
 - 3. Locations of all wells, municipal water supply lines, septic tank, distribution box and soil absorption system. All water wells shall be considered drinking water wells with regard to setbacks from septic system components.
 - 4. Sufficient property line information to relate it to the plan.
 - 5. Driveway location if less than 100' from system.
 - 6. Wetlands within 200' of any septic system component.
 - 7. Designed and actual invert elevations of the Septic Tank (inlet and outlet), Distribution box (inlet and outlets) and soil absorption system (beginning and ending elevations).
 - 8. Name of septic system installer.
 - 9. Location of all deephole test pits and percolation.
- E. The Certificate of Compliance shall have original signatures by both the Design Engineer and the Installer prior to being signed by the Agent for the Board of Health. The As-Built plans and the completed Certificate of Compliance form shall be on file before the building card will be signed. Disagreements between Engineer, Installer and owner will not alter this requirement.

IV. REPAIRS

- A. All repairs to subsurface septic systems shall comply with the most current 310 CMR 15.000 Regulations and these Regulations. Owners of failed septic systems as determined by either septic system inspections or by order of the Board of Health shall contact either a Registered Professional Engineer or a Registered Sanitarian prior to performing any repair work. The Engineer or Sanitarian shall contact the Board of Health to coordinate the repair

process with the Agent. Replacement of access parts, damaged septic tank covers or distribution box covers, as well as replacement of Tees in septic tanks are considered minor repairs and do not require notification of the Board or contact with a Registered Professional Engineer or a Registered Sanitarian.

- B. The Certificate of Compliance must be signed by the installer and the Board of Health Septic Agent.

V. WELLS

- A. Prior to any construction to be served by a private well, the water supply must be tested by a licensed laboratory certified by the Commonwealth of Massachusetts. Said test results must certify that the water quality meets the state minimum requirement for potability and meets Massachusetts and Federal requirements for public water supplies for compounds tested by EPA method 524 or the equivalent.
- B. A permit to install a well must be obtained from the Board of Health. Application for a permit to install a well shall be submitted to the Board of Health indicating all existing potential sources of pollution (i.e., sewage disposal systems, underground storage tanks, hazardous spills) and any proposed sewage disposal system, within two hundred (200) feet of the proposed well location. Application must include a check made payable to the Town of Uxbridge for the current applicable fee. The application must be signed by the responsible party certifying by the application that the proposed well will comply with all applicable state and local laws and regulations.

VI. WETLAND AND FLOOD PLAINS

- A. The owner shall be aware of his obligation to and shall comply with the requirements established by the Division of Water Pollution Control pursuant to G. L. c. 21 § 43, and The Wetlands Protection Act, G. L. c. 131, § 40.
- B. No leaching area shall be constructed less than four (4) feet and no basement floor shall be constructed less than one (1) foot above the high water level in any area within the 100 year flood plain as designated by the Federal Emergency Management Agency.
- C. Building a dwelling or outbuilding over surface water or wetlands shall not be allowed.
- D. No soil absorption system in new construction shall be constructed within 100' of a wetland as defined by the Wetlands Protection Act.
- E. In new work, no soil absorption system shall be installed in a lot with less than 30,000 square feet of contiguous upland.

VII. DISPOSAL WORK INSTALLER'S PERMIT

- A. All septic installers must be licensed by the Board of Health.
- B. All applicants for Disposal Works Installer's Permits shall be required to take and pass an examination to demonstrate their knowledge of 310 CMR 15.000 and these Regulations. Seventy percent shall be considered a passing grade. Any installer who has demonstrated this knowledge and ability in his/her work may request a waiver of this requirement. Pertinent Installer's Exam test results may be submitted with subsequent annual applications to request waiver of this requirement.
- C. Completed application for Disposal Works Installer's Permits shall be submitted to the Board of Health with a check made payable to the Town of Uxbridge for the appropriate application fee.

VIII. VARIANCES

- A. Standard of Review
Variance shall be granted only when in the opinion of the board:
 - 1. The person requesting the variance has established that enforcement of the provision of these regulations from which the variance is sought would be manifestly unjust considering all the relevant facts and circumstances of the individual case; and the person requesting the variance has established that a level of environmental protection that is at least equivalent to that provided under these regulations can be achieved without strict application of the provision of these regulations from which a variance is sought.

2. With regard to variances for new construction, enforcement of the provision from which a variance is sought must be shown to deprive the owner of substantially all beneficial use of the subject property in order to be manifested unjust.

B. Process for Seeking a Variance

The Board of Health shall review request for variances as follows:

1. Every request for a variance shall be in writing and shall make reference to the specific provision of these regulations for which a variance is sought and a statement in compliance with VIII A.
 2. No application for a variance shall be complete until the applicant has notified all abutters by certified mail at his/her own expense at least 10 days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall reference the specific provisions of these regulations from which a variance is sought and the date, time and place where the application will be discussed.
 3. The Board of Health shall hold a hearing within 30 days of receipt of a completed application for variance.
- C. Any variance allowed by the Board of Health shall be in writing and denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.
- D. A request for a variance under these regulations shall be deemed constructively approved by the board if the board does not act upon it within 45 days of receipt of a complete application.

IX. SEVERABILITY

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provision of this article which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

X. ADOPTION AND DATE OF EFFECT

This regulation shall be effective on April 7, 2000.

**ARTICLE XII
SALE OF ANIMALS**

Regulation 1. It shall be unlawful for any person to sell, offer for sale, barter or give away live turtles except where adequate bacteriological proof is submitted to the Uxbridge Board of Health that such turtles are free from Salmonella contamination. The Board of Health or its representative may at any time take samples of tank water and/or any other appropriate samples from turtles offered for sale and order immediate destruction of any lot of turtles found contaminated with Salmonella.

**ARTICLE XIII
SECTION 31 OF CHAPTER III OF SANITARY CODE**

Regulation 1. In pursuant of Section 31, Chapter III of the State Sanitary Code, "No person having bare feet shall be allowed in any public building or in any establishment dealing with the distribution, preparation or otherwise handling of foods." This shall include restaurants and retail stores.

**ARTICLE XIV
MINIMUM SANITATION STANDARDS FOR PRIVATE AND SEMI-PUBLIC WELLS**

Under Chapter 111, Section 31, of the Massachusetts General Laws, the Uxbridge Board of Health hereby adopts the following regulations to protect the health of residents of the Town of Uxbridge who are served by private and semi-public wells. These regulations replace any and all existing regulations previously adopted by the Board of Health regarding the construction and/or abandonment of wells, except as to those matters currently pending. Any condition

that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

14.0 PURPOSE

These regulations are intended to protect the public health and general welfare of the residents of the Town of Uxbridge by ensuring that wells are constructed in a manner which will protect the quality of the groundwater derived from private wells.

14.1 DEFINITIONS

For the purpose of these rules and regulations:

AGENT means any person designated and authorized by the Board to execute these regulations.

APPLICANT means any person who intends to have a private well constructed.

AQUIFER means a water bearing formation or group of formations or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

BEDROOM means any room intended primarily for sleeping and consisting of floor space of no less than 70 square feet, electrical service, ventilation and at least one window.

BOARD means the Board of Health of the Town of Uxbridge, Massachusetts or its authorized agent.

CERTIFIED LABORATORY means any laboratory currently certified by the Massachusetts Department of Environmental Protection for drinking water. Provisional certification shall also qualify.

CROSS-CONNECTION means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

HYDROFRACTURING means a process whereby water is pumped under high pressure into a well to fracture the surrounding rock thereby increasing the well yield.

POTABLE WATER means water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

PRIVATE WATER SUPPLY means any water systems serving or intended to serve for human consumption or for domestic uses on one lot.

PRIVATE WELL means any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption and are not subject to regulation by 310 CMR 22.00, DEP drinking water regulations.

PUMPING TEST is a procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

REGISTERED WELL DRILLER means any person registered with the Department of Environmental Management/Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.

REQUIRED VOLUME means the volume of water necessary to support the household's daily needs based on the number of bedrooms: Number of Gallons Needed Daily = (Number of bedrooms + 1) x (110 gallons/Bedroom) x 2 (safety factor)

SEMI-PUBLIC WATER SUPPLY means any water system serving or intended to serve water for human consumption or for domestic uses or purposes to multiple dwellings or two or more units or to more than one multiple dwelling

under a single ownership and located on the same lot, and are not subject to 310 CMR 22.00 DEP drinking water regulations for Public Water Supply.

STATIC WATER LEVEL means the level of water in a well, measured from ground level, under non-pumping conditions.

YIELD means the volume of water produced by the aquifer into the well space in a specified time period.

14.2 WELL CONSTRUCTION PERMIT

- A. The property owner or his designated representative shall obtain a permit from the Board of Health prior to the commencement of installation, alteration or repair or decommissioning of a private well. Wells and irrigation wells from which the water is not intended for human or animal consumption or for the irrigation of foods or food ingredients are not exempt from the permitting process and must meet the same requirements as the drinking water well.
- B. All applicable building, plumbing or electrical permits must be obtained by the owner or his agent.
- C. A permit application obtained from the Board of Health must be completed and accompanied by the appropriate plans. The plans should include but are not limited to:
 - 1. Location of the proposed well;
 - 2. Existing and proposed structures located above and below ground;
 - 3. Subsurface fuel storage tanks;
 - 4. Public ways;
 - 5. Utility right-of-ways; and
 - 6. Any other potential sources of pollution or contamination.
- D. No wells shall be constructed, altered or repaired without an approved permit application from the Board of Health.
- E. The Board reserves the right to require decommissioning of any well installed in violation of these regulations.
- F. Each permit shall expire six (6) months from the date of issuance unless revoked for cause. Permits may be extended at the discretion of the Board of Health and provided that a written request is received by the Board of Health prior to the expiration date. No additional fee shall be charged.
- G. Permits are not transferable in any instances. That includes a change in ownership, driller or location. If there is a change in driller, then the new driller is responsible for signing an authorization of this change with the Board.

14.3 WELL CONSTRUCTION AND LOCATION

- A. Pursuant to 313 CMR 3.00, Water Well Diggers and Drillers Registration Regulations, no person in the business of digging or drilling shall construct a well unless registered with the Department of Environmental Management – Office of Water Resources.
- B. All wells shall be constructed in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.
- C. In locating a well, the applicant shall identify all potential sources of contamination which exist or are proposed within 200 feet of the site. When possible, the well shall be located up-gradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.
- D. Each private well shall be accessible for repair, maintenance, testing, and inspection.
- E. The proposed well must be located on the lot which it serves and must meet these minimum distance requirements:

<u>Distance From</u>	<u>Feet</u>	
Leaching facility	100	
Leaching reserve area/existing cesspool	100	
Septic Tank		100
Any structure or dwelling	20	
Property Line	10	
Street	25	
Driveway	25	
Public/Private Way	25	
Rights-of-Way	15	
Stable/manure storage	100	
Storm drain	25	
Underground storage tank	200	
Wetland	50	
Waste disposal site/landfill	1,000	
Center line if extended vertically shall clear any projection from an adjacent structure by at least	5	
Normal high water mark of any lake, pond, river, stream, ditch or slough	25 laterally	

- F. Whenever possible, in new construction, private water systems must be located in areas above the 100 year flood plain.
- G. All lines from a well shall be located a minimum of 10 feet from a building sewer constructed of durable corrosion-resistant material with watertight joints, or 50 feet from a building sewer constructed of any other type of pipe.
- H. Pressure water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be pressure-tested to assure water tightness.
- I. The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above or to increase the above distances when the Board deems it necessary. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- J. The Board of Health may refuse to issue a permit if it deems that the locations of the proposed well will unreasonably interfere with the probable future installation or repair of a septic system on a neighboring lot of land, or for any reason which may be contrary to sound public health policy as determined by the Board of Health.
- K. No person shall allow the connection of any building, or other facility, to the municipal water supply and to a private supply concurrently. Such constitutes a cross-connection and is prohibited.
- L. When the Board of Health determines that the supply of potable water from privately operated wells may be jeopardized with respect to drinking water quality and/or supply due to prolonged drought and potentially affect the health of those using such wells, the use of private wells for irrigation purposes may be prohibited until such time as the Board determines.
- M. The Board of Health may require the connection to a municipal water line, where available, when it determines that the supply of potable water from a private well may be jeopardized with respect to drinking water quality and the potential health effects to those using said well.

14.4 WATER QUALITY

- A. Before use or after a repair or alteration, or in the case of new construction, before the issuance of a building permit, the well water must be tested by a laboratory that is certified by the Department of Environmental Protection to test drinking water for the parameters analyzed. All analyses shall be performed in accordance with US EPA methods for drinking water analysis.
- B. The laboratory performing the testing must collect such samples. The original results of the water quality tests, chain of custody, and verification of the laboratories certification for the parameters analyzed must be submitted

directly to the Board of Health within our weeks of sampling. In no event shall a water treatment device be installed prior to sampling.

- C. If the initial test did not pass and a filter or other treatment system is necessary, a second representative sample for laboratory analysis must be collected in accordance with Section 14.4 (B) above after the treatment system is installed. The second sample shall be retested for all failed parameters, plus any other parameters deemed necessary by the Board. A laboratory report indicating all test results meet EPA drinking water standards must be submitted to the Board prior to issuing a certificate of occupancy.
- D. The following parameters shall be tested:
1. A Comprehensive Water Quality Scan that includes:

a. Total Coliform Bacteria	l. pH
b. Turbidity	m. Sulfate
c. Arsenic	n. Total Dissolved Solids
d. Copper	o. Ammonia
e. Lead	p. Potassium
f. Nitrate	q. Chlorine
g. Nitrite	r. Conductivity
h. Sodium	s. Hardness
i. Chloride	t. Magnesium
j. Color	u. Calcium
k. Iron	v. Alkalinity
	w. Radon
 2. Volatile organic compounds (VOC's) (using EPA method 524.2)
- E. Testing for additional elements may be required at any time at the discretion of the Board of Health
- F. High concentrations of nitrate, chloride, and ammonia could indicate that a well is drawing in septic effluent. Further testing of VOC's may be requested by the Board of Health
- G. High concentrations of iron, manganese, total dissolved solids, nitrogen (as ammonia or nitrate) and hardness could indicate that a well is drawing in landfill leachate. The Board of Health may request further testing of regulated and unregulated VOC's.
- H. Testing for radon shall be by EPA method 913.0 or other method approved by the US EPA or MA DEP. High concentrations of radon may constitute an increased risk of cancer for those in a home where this water is used.
- I. The Board of Health may require that any well drilled within 500 feet of a landfill, waste site, or 21E site may be required to conduct water quality analysis of synthetic organic chemicals (SOC's)
- J. The US EPA Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) and Mass DEP Guidelines shall be used as the guidelines for private water supplies.
- K. All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.
- L. Semi-public water supplies serving rented or leased property may be subject to additional water quality testing at the discretion of the Board of Health.

14.5 WATER QUANTITY

- A. A completed Department of Environmental Management Well Completion Report shall be submitted to the Board of Health by the driller within 30 days of drilling the well.

- B. Required volume: the well must be documented by pump test to have a daily yield at least as great as the required volume of water defined by the number of bedrooms, as follows: Number of Gallons Needed Daily = (Number of bedrooms +1) x (110 gallons/Bedroom) x 2 (safety factor)
- C. All wells shall be tested in the following manner:
1. The well shall be pumped for a minimum of four (hours).
 2. The depth of the well, the pre-pump static level, and draw down level shall be measured from ground level.
 3. At least the Required Volume must be pumped during the test.
 4. Following the pump test the water level recovery must be documented at a time interval no more than 24 hours after the termination of the pump test. The recovery depth measured from ground level and the time interval of the measurement from termination of the pump test shall be recorded.
 5. Following the pump test the water level in the well must be shown to recover to within 85% of the pre-pumped static water level within a 24 hour period.
- D. 24 Hour Yield: The aquifer supplying the well must be documented to yield water (gallons/day) into the well at a rate of sufficient to produce the required volume in a 24 hour period.
- 24 hour yield calculation based upon pumping phase:
 24 Hour Yield = [() gal./minute x () hrs. pumped x 60 min./hr – () ft. draw down x 1.5 gal./ft.] x 24 hr() hrs. pumped
- Yield calculation based on recovery phase:
 24 hour Yield = [draw down (ft) – recovery depth (ft)] x 1.5 gallons/ft x 24 hours \geq Required Volume Recovery Time (hours)
- E. The results of the pump test and water quality test must be received and reviewed by the Board of Health prior to use of the water supply.
- F. The well must be capable of producing an amount greater than .5 gpm.

TABLE 2
FLOW VOLUMES IN GALLONS PER MINUTE AND CORRESPONDING FLOW VOLUMES IN GALLONS PER DAY

<u>Flow Volume (gpm)</u>	<u>Flow Volume (gpd)</u>
0.3	432
0.4	576
0.5	720
0.6	864
0.7	1008
0.8	1152
0.9	1296
1.0	1440
1.5	2160
2.0	2880
2.5	3600
3.0	4320
3.5	5040
4.0	5760
4.5	6480
5.0	7200

14.6 WATER SUPPLY CERTIFICATE

- A. The issuance of a Water Supply Certificate by the Board shall certify that the private well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a private well prior to the issuance

of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.

B. The following shall be submitted to the Board of Health to obtain a Water Supply Certificate:

1. A well construction permit.
2. A fully completed copy of the Water Well Completion Report as required by the DEM Office of Water Resources (313 CMR 3.00).
3. A copy of the Pumping Test Report required pursuant to Section 14.5 of these regulations.
4. A copy of the Water Quality Report required pursuant to Section 14.4 of these regulations.

C. Upon the receipt and review of the above documents, the Board shall make a final decision on the application for a Water Supply Certificate. A final decision shall be in writing and shall comprise of one of the following actions:

1. Issue a Water Supply Certificate
2. Deny the applicant a Water Supply Certificate and specify the reasons for the denial.
3. Issue a conditional Water Supply Certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that private well. Said conditions may include but not be limited to requiring treatment or additional testing of the water.

14.7 DECOMMISSIONING REQUIREMENTS

A. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes, or borings.

B. The owner of a private well shall decommission the well if the well meets any of the following criteria:

1. Construction of the well is terminated prior to completion of the well.
2. The well owner notifies the Board that the use of the well is to be permanently discontinued.
3. The well has been out of service for at least three (3) years.
4. The well is a potential hazard to public health or safety and the situation cannot be corrected.
5. The well is in such a state of disrepair that its continued use is impractical.
6. The well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.

C. The well shall be filled with neat cement grout, sand cement grout, concrete or bentonite grout, or in such a manner as to prevent it from acting as a channel for pollution into the groundwater, and in compliance with the recommendations in the latest edition of the Department of Environmental Protection Well Guidelines.

D. Proof of decommissioning (i.e. itemized receipt) must be provided to the Board of Health within thirty (30) days of completion.

E. No person shall allow a well to be left uncovered or in an unsafe condition.

14.8 MORATORIUM

A. There shall be a moratorium on new wells and blasting, within a 2,500 foot radius and for an indefinite period of time, from the junction of Kempton Road and the Millville town line.

B. Blasting performed as part of the process of providing Town water to affected homes within the 2,500 foot radius will be exempt from Section 14.8 A.

14.9 VARIANCES

The Board of Health may vary the application of any provision of these regulations to any particular case when in its opinion the enforcement thereof would manifest an injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations and the applicant has proved that the same degree of public health and environmental protection can be achieved without strict application of a particular provision(s). The applicant for any variance shall pay for any advertising and/or mailings required for processing the variance.

14.10 ENFORCEMENT AND PENALTIES

- A. Any member of the Board of Health or its agents, or other person designated by the Board of Health, may enforce this section. Any violation of this regulation, or the regulations of the Department of Environmental Protection or of the Laws of the Commonwealth of Massachusetts by the permittee shall be grounds for suspension, modification, or revocation of the permit.
- B. Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by complaint brought in the District Court or Housing Court. Each day on which a violation exists shall be deemed to be a separate offense.

14.11 SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to the end the provisions of this Code are hereby declared separable.

14.12 FEES

A check made payable to the Town of Uxbridge to cover current applicable fees. In the event a well is installed, altered or repaired before a well permit is obtained, there will be an additional fee for the well permit.

14.13 EFFECTIVE DATE

These regulations were adopted by vote of the Uxbridge, Massachusetts Board of Health, at their regularly scheduled meeting held on April 5, 2002 and are to be in full force and effect on and after April 5, 2002. Before said date, these regulations shall be published and a copy thereof be placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Division of Wastewater Management (formerly Division of Water Pollution Control) in Boston. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

14.14 DISCLAIMER

The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

ARTICLE XVI REVOLVING ACCOUNTS FOR CONSULTANT FEES

This regulation has been adopted under the authority of Chapter III of the Massachusetts General Laws, Section 31, for the purpose of ensuring proper and prompt payment of outside consultants who advise the Board of Health in carrying out its responsibilities. It was adopted by a unanimous vote at the Board of Health meeting of June 10, 1991.

Section 1. PURPOSE

The purpose of these rules and regulations is to implement Section 53G of Chapter 44 of the General Laws of the Commonwealth. Said Section 53G allows for the imposition of reasonable fees for the employment of outside consultants and for depositing such fees into a Special Account by the Board.

Section 2. DEFINITION

2.1 Board shall mean Board of Health of the Town of Uxbridge.

2.2 Special Account shall mean an account established by the Town Treasurer, in the Town Treasury, separate and apart from other monies. Interest shall accrue to said Special Account.

Section 3. FEE

3.1 The Board may, by a majority vote of its members, require any applicant for a permit, special permit, variance or other such approval however named to deposit with said Board a fee in an amount determined by the Board.

3.2 Such fee shall be reasonable and shall be used at the sole discretion of the Board ONLY for the employment of outside consultant(s) to:

- a. Review plans before it for which the fee was received.
- b. Inspect or otherwise verify compliance with any requirements and standards set forth in the Board's regulations which are relevant to the specific project for which the fee is received.

3.3 Said fee shall be paid to the Board in the form of a check payable to the "Town of Uxbridge."

3.4 Upon receipt, the Board shall forthwith transfer said fee to the Town Treasurer utilizing a separate departmental receipt form for each fee. By copy of the departmental receipt form, the Board shall concurrently notify the Town Accountant of the receipt of such fee.

3.5 Upon receipt, the Town Treasurer shall deposit such fee into a Special Account. The funds in the Special Account, including accrued interest, shall be expended at the direction of the Board without further appropriation; provided, however, that such funds are to be expended by it ONLY in connection with carrying out its responsibilities under the law for the employment of outside consultants.

3.6 Any excess amount in the Special Account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest.

Section 4. CONSULTANT

4.1 Minimum qualifications for consultants retained under these rules and regulations shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

4.2 The consultant shall be totally independent of the project at issue; that is, the consultant shall have no direct or indirect interest, financial or otherwise, in said project.

4.3 The consultant shall be required to file with the Board an affidavit stating he has no conflict of interest under M.G.L. Chapter 268A.

Section 5. REPORTS

5.1 A final report of said Special Account shall be made available to the applicant or to the applicant's successor of interest.

5.2 The Board shall be responsible for maintaining separate detailed records of the receipts and disbursements under these rules and regulations for each project.

5.3 The Town Accountant shall submit annually a report of said Special Account to the Board of Selectmen and Town Administrator for their review. Said report shall be published in the Town Annual Report. The Town Accountant shall submit annually a copy of said report to the Director of the Bureau of Accounts.

Section 6. APPEAL

6.1 A person aggrieved by the decision of the Board acting pursuant to these rules and regulations shall have the right to an administrative appeal to the Board of Selectmen.

6.2 Such appeal is limited solely and exclusively to the selection of the outside consultant by the Board.

6.3 The grounds for such an appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum, required qualifications.

6.4 The required time limits for action by the Board upon an application shall be extended by the duration of the administrative appeal.

6.5 In the event that no decision is made by the Board of Selectmen within thirty (30) days following the filing of the appeal, the selection made by the Board shall stand.

6.6 An appeal under these rules and regulations shall not preclude further judicial review, if otherwise permitted by law on the grounds provided for in this Section or in Section 53G of Chapter 44 of the General Laws.

Section 7. AUTHORITY

7.1 These rules and regulations are promulgated by the Board pursuant to authority vested in the Board by Section 53G of Chapter 44 of the General Laws of the Commonwealth.

7.2 These rules and regulations are effective immediately upon adoption by the Board.

ARTICLE XVII REGULATIONS FOR THE LAND APPLICATION OF ORGANIC MATERIAL

1.0 AUTHORITY

By virtue of the authority granted to the Town of Uxbridge Board of Health under the provisions of the M.G.L. c.111, s.31, the following regulations regarding the Land Application of Organic Material in the Town of Uxbridge are hereby promulgated.

2.0 PURPOSE

The following regulation is intended to protect the public health, safety, welfare and the environment and to ensure that the land application of organic material in the Town of Uxbridge follows appropriate notification and approval procedures through the Board of Health. Furthermore, this regulation is intended to insure that the land application of organic material is carried out in a safe and consistent manner.

Presently, land application of organic material can occur on private land with owner (s) approval and without notification or approval by the Town of Uxbridge. The application of such material may present one or more of the following hazards:

1. Although organic material may not be land applied if it meets the criteria of a hazardous waste, such criteria change quickly. The toxicity of heavy metals, pesticides, PCB's, antibiotics, solvents, petroleum products and other potentially toxic substances should be considered in light of current knowledge.
2. Application of organic material needs review in light of local conditions such as adjacent land use, local topography, changing knowledge concerning aquifer location, floodplains, etc.
3. Local conditions may not be addressed by existing state or federal regulations.
4. Organic material may possess a health risk due to its pathogenic content and its potential to spread disease.
5. Organic material may potentially endanger the public health by causing infestation by insects or rodents or by producing noxious odors.

3.0 DEFINITIONS

BOARD refers to the Board of Health of the Town of Uxbridge.

COMPOSTED ORGANIC MATERIAL means any organic material which has undergone a composting process.

COMPOSTING (or digesting) means the biological process by which micro-organisms break down and utilize organic matter.

310 CMR 32.00 means Regulations for the Land Application of Sludge and Septage, under the Department of Environmental Protection of the Commonwealth of Massachusetts.

EPA means United States Environmental Protection Agency.

HAZARDOUS WASTE means any waste that bears one or more of the characteristics of flammability, corrosivity, reactivity, or toxicity as defined in 40 Code of Federal Regulations Part 261, Subpart C.

LAND APPLICATION means fertilizing or amending soil by: (a) applying to the surface of soil by spreading, spraying, or other similar means, and/or (b) mixing or working into the soil or beneath the surface of the soil within the root zone of the crop by harrowing, plowing, rototilling, injecting, or other similar means.

LANDFILLING means the permanent disposal of any organic material by stockpiling, burying, or placing in lagoons.

LONG-TERM STORAGE shall be defined, according to 310 CMR 32.31, as storage for more than forty-two (42) consecutive days within a six (6) month period of time.

ORGANIC MATERIAL refers to: a) sludge, septage, or any material resulting from burning or other treatment of sludge or septage; b) any organic by-product or waste-product resulting from an agricultural or industrial process such as: the manufacturing of paper, cloth, clothing, or lumber; the processing of food; the slaughter of animals; or c) any other process which results in a material which may be suitable for land application.

SEPTAGE means the liquid, solid, or semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. For purpose of this bylaw, the term "septage" does not include any material which is hazardous waste pursuant to 310 CMR 30.000.

SLUDGE means any solid, semi-solid, or liquid residue that results from a process of municipal wastewater treatment or drinking water treatment.

TCLP means Toxicity Characteristic Leaching Properties.

4.0 APPLICABILITY

4.1 General. Land application of any organic material, composted or non-composted, must meet the criteria set forth in these regulations. The land application of composted sludge must meet the criteria for Approval of Suitability pursuant to 310 CMR 32.00 as well as the criteria set forth in these regulations.

4.2 Prohibitions. No land application of any organic material in the Town of Uxbridge will be approved by the Board of Health if it meets the definition of a hazardous waste. The landfilling of any organic material is prohibited. The long-term storage of any organic material must be approved in writing by the Board of Health. The land application of septage is prohibited.

4.3 Exemptions. The following are exempt from these regulations:

- a. Food wastes or agricultural wastes generated by a residence or a small scale farming operation, when such wastes are generated and disposed of within the boundaries of such residence or farm.
- b. Manures produced as part of a normal farming operation, if the manures are stored and land applied in a manner consistent with good management practices and in a manner which will minimize pollution of air, water or other natural resources and which will minimize infestation by insects or rodents.
- c. Leaf and yard materials such as deciduous and coniferous seasonal deposition, grass clippings, weeds, hedge clippings, and garden materials.

5.0 OBTAINING AND KEEPING AN APPROVAL OF SUITABILITY

Any land owner who wishes to land apply organic material in the Town of Uxbridge must meet the following conditions prior to final approval by the Board:

5.1 The owner of the land in question must file an application for Approval of Suitability with the Board of Health.

5.2 The sampling of composted organic material for analysis must be witnessed by a Board member or designee, when the Board so requests, at any stage of the composting process including sampling of the final product.

5.3 All analysis of any organic material shall be performed by a state certified laboratory and shall conform to EPA approved or standard analytical methods. All analytical data shall be submitted to the Board.

5.4 Sampling and analysis shall take place at least six months before the application referred to in 5.1 is filed. Frequency of sampling and analysis shall take place in accordance with the schedules outlined in 310 CMR 32.00, unless otherwise specified by the Board upon review of lab results of composed material.

5.5 The Board may consult, at the applicant's expense, a Professional Engineer registered in the Commonwealth of Massachusetts, approved of or chosen by the Board. Said Engineer shall provide the following:

1. A site assessment of the designated area that is to receive the organic material. This site assessment will identify potential environmental or health problems relevant to the designated or surrounding areas. Said assessment will take into account the following: the location of homes, private and public wells, wetlands, bodies of water, and aquifers; soil and groundwater profiles; wildlife habitat; flood plains; any other factors deemed relevant by the Board.
2. A review of the applicant's management plan that defines areas of land application, volumes of material, time frame of each application, and future use of the land to be applied, including a specific listing of crops or vegetation to be grown.
3. Any other work the Board deems relevant to the Approval of Suitability.

5.6 Within 45 days of the receipt of the data required in section 5.5, a public hearing shall be held by the Board to review the application. Notice shall be given in accordance with M.G.L. Chapter 111 and shall include publication in a local newspaper and notification of all parties to be listed on the permit.

6.0 FINAL APPROVAL

If, upon review of all relevant material submitted to the Board under 5.0, the Application of Suitability is approved, a permit will be issued to the applicant that will have a duration of 2 years.

The permit shall be issued to the owner of the land to receive the organic material. The permit shall include:

1. The name and address of the applicant (the legal owner of the land).
2. The name and address of any individuals or legal entities who will perform any work related to the land application process.
3. A list of: a) abutters within 2500 feet of the proposed site perimeters, and b) abutter to abutters within 500 feet of the proposed site perimeters. The list shall be compiled from records maintained by the Board of Assessors of the Town.
4. The frequency of the submission of a status report and its contents, both of which will be determined by the Board based upon the nature of the material, the site assessment, and the management plan.
5. Any other conditions which must be adhered to for the permit to remain valid.

6.1 Revocation of Permit. The Board may at anytime revoke the approved permit if conditions outlined under 5.0 are not met or if any other conditions ordered within the permit are violated. The Board may also revoke the permit if any other activity involved in the land application process is found to constitute a public nuisance or to endanger the public health.

7.0 NON-CONFORMING USES

Non-conforming uses which are lawfully existing may be continued. Such non-conforming uses may be extended or altered only upon approval of the Board of Health.

8.0 ACCOUNTABILITY

Land application of any organic material shall not commence until security by surety bond, cash, or other approved method is provided to insure that said land application will be carried out in accordance with these regulations and the conditions of the permit. The security may be drawn upon if the land application process results in creation of a public nuisance or danger to the public health, whether or not the permit has expired. The amount of such security shall be determined by the Board and based upon the nature of the material to be land applied, the site-assessment, and the management plan. Said security shall be assigned to or bear the name of the Town of Uxbridge. Said security shall be

released by the Town of Uxbridge one year after the land application process is completed or whenever the designated crops are well established, whichever is longer.

9.0 SEVERABILITY

It is hereby declared that the provisions of this Board of Health regulation are severable, and if any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions which can be given affect without the invalid provisions or application.

ARTICLE XVIII TOBACCO ACCESS TO MINORS CONTROL REGULATION

Section 1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 Authority

This regulation is adopted by the town of Uxbridge under its home rules powers, its responsibility to protect the public health and welfare, and its authorization under Massachusetts General Laws (Massachusetts General Law), Chapter (c) 40, Section 21, and Massachusetts General Law, Chapter III, Section 31.

1.2 Purpose

The Uxbridge Board of Health does, hereby, find that cigarette smoking and other tobacco use by minors is a continuous problem with grave public health consequences. In recognition of the Surgeon General's conclusion that nicotine is as addictive as cocaine or heroin, action is needed to reduce easy access to cigarettes and tobacco products by minors. It is the purpose of this ordinance to implement a strict and enforceable system to prevent the promotion and illegal sale of tobacco products to minors.

1.3 Definitions

The following words and phrases, whenever used in this article, shall be construed and defined as follows:

1.3.1 Public Place means any enclosed space to which the public is invited or in which the public is permitted, including but not limited to banks, educational facilities, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a "public place."

1.3.2 Tobacco Vending Machine means any machine or device designated for or used for the vending of cigarettes, cigars, or other tobacco products upon the insertion of coins, trade checks, or slugs.

Section 2. TOBACCO SALES TO MINORS PROHIBITED

2.1 In conformance with Massachusetts General Laws, Chapter 270, Section 6, no person shall sell a cigarette, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of eighteen (18) or, not being the parent or guardian, give a cigarette, chewing tobacco, snuff, or tobacco in any of its forms to any person under the age of eighteen (18).

2.2 In conformance to Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Law Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the store or other establishment used to sell cigarettes at retail. The notice to be posted shall be that provided by the Massachusetts Department of public Health. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than 9 square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice shall be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or more than 9 feet from the floor. In addition, a copy of Massachusetts General Law, Chapter 270, Section 6, shall be posted conspicuously on each free-standing display. Such notice(s) shall be at least 48 square inches and shall be placed in such a manner that it may be readily seen by a person approaching a free-standing display and shall not be

obstructed from view or placed at a height of less than 3 feet or greater than 9 feet. Whoever violates Massachusetts General Law, Chapter 270, Section 7, and/or fails to place proper notice on all free-standing displays, shall be punished by a fine of not more than fifty dollars (\$50). Any person unlawfully removing a copy so posted while said premises are used for the sale of cigarettes shall be punished by a fine of ten dollars (\$10).

2.3 Identification required - No retailer shall sell, or permit to be sold, cigarettes or other tobacco products to an individual without requesting and examining identification establishing the purchaser's age as eighteen (18) years or greater unless the seller has some other conclusive basis for determining the buyer's age.

2.4 Permit Required - It is unlawful for a retailer to sell cigarettes or other tobacco products unless that retailer holds and maintains a valid permit from the Town of Uxbridge for each location in which the tobacco products are sold. The term of the permit is one year, shall expire December 31, and is renewable annually.

2.5 Revocation of Permit - A permit shall be suspended after notice and opportunity to be heard as follows:

2.5.1 In the case of a first violation, the licensee shall receive notification in writing of penalties for further violations.

2.5.2 In the case of a second violation within one year of the first violation, the permit shall be suspended for a period of two (2) consecutive business days.

2.5.3 In the case of three or more violations within one year of the first violation, the permit shall be suspended for a period of fourteen (14) consecutive business days.

2.6 Fee for Payment - The fee for a one-year tobacco retailer's permit is twenty dollars (\$20) for each tobacco retail location.

2.7 Non-transferability - A tobacco retail permit is non-transferable, except a new permit will be issued to a tobacco retailer who changes locations.

2.8 Vending Machines - Cigarette vending machines or any other device for the sale or distribution of tobacco products shall be controlled and monitored using a lock-out device.

2.9 Out-of-package Sales Prohibited - It is unlawful to sell cigarettes out of the manufacturer's package with required health warnings. Sale or distribution of tobacco products in any form other than an original factory-wrapped package is prohibited.

2.10 Free-standing Displays - Free-standing displays of cigarette products, from which individual packages or cartons may be selected by the customer, must be located within six feet of the main cash register in such a manner that it can be visually monitored by the cashier at all times. In addition, each free-standing display shall be posted with a copy of Massachusetts General Law, Chapter 270, Section 6, meeting the specifications outlined in 2.2.

2.11 Sales - The owner of any facility selling tobacco products shall not allow anyone to sell cigarettes or other tobacco products until such employee reads the Uxbridge Board of Health regulations and all state laws regarding sale of tobacco and signs a statement that (s)he understands and will uphold the regulations. A current file of such statements shall be maintained on the premises at all times.

2.12 Enforcement - Enforcement of this regulation shall be by the Uxbridge Board of Health, the Uxbridge Chief of Police, or his designee.

Section 3. SEVERABILITY

3.1 If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provision of this article which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

Section 4. EFFECTIVE DATE

4.1 This regulation shall be effective on April 1, 1995.

ARTICLE XIX
RULES AND REGULATIONS FOR COMMERCIAL/RESIDENTIAL, MUNICIPAL, AND RESIDENTIAL
REFUSE/RECYCLING PERMITTING AND OPERATION

1. AUTHORITY: In accordance with the authority vested in the Town of Uxbridge's Board of Health by M.G.L. Chapter 11, Section 31A and 31B and 310 CMR 19.00 et seq., regulations are promulgated.

PURPOSE: This regulation is intended to protect public health, safety and the environment by regulating the storage, transfer, processing, treatment, disposal, use and reuse of solid waste in Uxbridge.

2. DEFINITIONS

- a. **ACCEPTABLE WASTE** means all household garbage, trash, rubbish and refuse now normally generated and disposed from residential, commercial or government sources within the Town, but excluding:
1. Explosives and ordnance materials, oil, sludge, highly flammable substances, cesspool or other human wastes, human or animal remains, motor vehicles, farm or other large machines, construction materials and demolition debris, hazardous refuse of any type or kind such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluids;
 2. Any item of waste exceeding 6 feet in any of its dimensions being in whole or in part of a solid waste, the solid portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such a solid mass portion; and
 3. All items of waste which DEP from time to time designates or reasonably believes would be likely to pose a threat to health or safety, or the acceptance and disposal of which may be in violation of any judicial decisions, order or action or any federal, state or local laws or regulations and the recyclable items lead acid auto batteries, metal food/beverage container, leaves, glass, tires, single resin plastics (narrow necked beverage), white goods, recyclable paper, yard waste, and cathode ray tubes referred to in 310 CMR 19.017.
- b. **FACILITY** shall mean a licensed solid-waste resource recovery plant or approved sanitary landfill.
- c. **PERMITTEE** shall mean any person(s) or company which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of Uxbridge, Massachusetts.
- d. **REFUSE COLLECTION VEHICLE** shall mean any vehicle used for the collection of ACCEPTABLE WASTES.
- e. **SOLID WASTE** shall mean useless, unwanted or discarded solid, liquid or contained gaseous material, resulting from municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:
1. Hazardous wastes as defined and regulated pursuant to 310 CMR 30.00;
 2. Sludge or septage which is land applied in compliance with 310 CMR 32.00;
 3. Waste water treatment facility residuals and sludge ash from either publicly or privately owned waste water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c.83 ss. 6 & 7 and/or M.G.L. c. 21, ss. 26-53 and the regulations promulgated thereunder, unless the waste water treatment residuals and/or sludge ash are co-disposed with solid waste;
 4. Septage and sewage as defined and regulated pursuant to 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c.21, ss. s6-53 or 310 CMR 15.00 as may be amended, provided that these regulations do not apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
 5. Ash produced from the combustion of coal or wood when reused as prescribed pursuant to M.G.L. c. 111, s. 150A; [N.B., this refers to separate regulations regarding reuse of ash]
 6. Solid or dissolved materials in irrigation return flows;
 7. Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;

8. Those materials and by-products generated from and reused within an original manufacturing process; and
9. Compostable and recyclable materials when composted or recycled in a operation not required to be assigned pursuant to 310 CMR 16.05 (2)-(4). [N.B., recyclables are not considered solid waste when recycled.]

3. GENERAL

Any persons engaged in the collection of acceptable waste and who are granted permits by the Board of Health shall collect household rubbish, non-recyclable paper, garbage and other permitted waste materials from residential households, municipal establishments, or commercial/ industrial customers in the Town of Uxbridge, and shall remove same to a State- approved location or facility outside the limits of the Town of Uxbridge in accordance with these rules and regulations, as well as other applicable rules and regulations.

4. PERMITTING PROCEDURE

- a. All persons collecting ACCEPTABLE WASTES in the Town of Uxbridge shall obtain a permit from the Board of Health prior to commencing with collection.
- b. At the time of application or as otherwise specified, the refuse collection company shall submit to the Board of Health, the following:
 1. A permit fee of an amount to be set by the Board from time to time.
 2. A schedule of fees to be charged for residential, commercial, industrial and municipal pickup of solid waste and recyclables.
 3. A list of references from companies for whom the PERMITTEE has hauled wastes for a two year period of time, and who will attest to the PERMITTEE's professional qualifications and integrity may be required by the Board.
 4. An estimation or exact figure of the tonnage of refuse and recyclables that the applicant has collected from within the Town of Uxbridge during a three (3) month period of the license will be submitted to the Board of Health quarterly, within one month, following said three (3) month period. Failure to provide this required information within the time period may result in revocation, suspension, or modification of this permit.
 5. The PERMITTEE shall provide proof of property/liability insurance. See Section 5 INSURANCE infra.
- c. The Board of Health reserves the right to require all collection vehicles which are used in Uxbridge to have affixed on them any markings the Board deems appropriate concerning authorization to conduct refuse collection transportation and disposal of solid waste.
- d. The Board of Health will review applications for permits and will respond to applicants within thirty (30) days.
- e. A PERMITTEE is allowed the right to appear before the Uxbridge Board of Health at a hearing to discuss its application by filing such hearing request in writing with the Board.

5. INSURANCE

- a. Each applicant shall furnish the Board of Health certificates from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than one million dollars (\$1,000,000.00) for the injury or death of more than one person, fifty thousand dollars (\$50,000.00) for the damage to property. Certificates of Insurance shall be furnished each year upon renewal of permit.
- b. The applicant shall make certain that the above insurance policy is not canceled prior to notification of the Board of Health. This notification shall be not less than thirty (30) days prior to such cancellation.

6. OPERATIONAL PROCEDURES

- a. The permit will be valid for a period of not more than one (1) year, renewable annually on the first day of January, subject to review and approval of the Board of Health.
- b. No permit shall be transferable by sale, acquisition, merger or other process except with the approval of the Board of Health.

- c. The PERMITTEE shall deliver all acceptable wastes collected within the corporate limits of Uxbridge to a licensed solid-waste resource recovery plant or State-approved sanitary landfill.
- d. The PERMITTEE shall provide recycling services to allow compliance with the State of Massachusetts Department of Environmental Protection Solid Waste Bans and any other items deemed feasible by the Board of Health. These bans include, but are not limited to, the following: lead acid batteries; leaves, tires, white goods, yard waste; metal and glass containers, single polymer plastics; recyclable paper; flattened cardboard; #4-7 Plastics. Cathode ray tubes (TV's, computer monitors) shall be within this regulation on September 1, 1999.
- e. All recyclables must be collected at least twice monthly, PERMITTEES are required to collect both paper products and co-mingles (glass, plastic, metal) at each recycling pickup, unless an alternative program is approved by the Board of Health. Recyclables must be collected at curbside, on days specified by the PERMITTEE.
- f. The PERMITTEE shall collect acceptable wastes from its customers in Uxbridge.
- g. The PERMITTEE may refuse to collect any commercial/industrial, municipal or residential waste if there is any indication that the material is not acceptable waste according to the definition provided in sections 2 and 3 of these regulations, or if it is not properly packaged or bundled. The PERMITTEE will notify such customers of the reason(s) for refusal to collect waste. The PERMITTEE shall notify the Board of Health of repeated instances of the above within two (2) weeks of customer notification.
- h. The PERMITTEE shall take all reasonable care in collection of refuse. Refuse shall not be scattered about the street or onto private property. Refuse that is spilled shall be immediately picked up by the PERMITTEE and removed with other wastes.
- i. The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state and local laws, by-laws and regulations. Said vehicles shall be in safe, clean condition and in good repair.
- j. Any violation of these regulations or any other applicable laws or regulations by the PERMITTEE will be grounds for suspension, modification, or revocation of said permit. [E.G., violation of State law or regulation]
- k. The PERMITTEE may enter into contractual agreements with commercial/industrial or municipal customers within the Town of Uxbridge provided that these customers are responsible for all fees (pickup, transportation and disposal).
- l. The individuals empowered to enforce the provisions of these regulations shall be the Agent of the Board of Health, any member of the Board of Health, any Police Officer of the Town or designated agent.
- m. PERMITTEES are required to provide their customers with a list of acceptable waste types and recyclables according to sections 2 and 3 of these regulations, and with a list or description of proper packaging or bundling methods of same.

7. INDEMNIFICATION

- a. PERMITTEES shall enter into arrangements for the collection of refuse and recyclables with individual residents, the municipality and commercial/ industrial customers of the Town, in which the PERMITTEE will be paid directly by the customer. The Town shall have no liability for payment to the PERMITTEE for any residential or commercial/industrial collection and disposal work.
- b. The PERMITTEE shall take all responsibility for the work and take all reasonable precautions for preventing injuries to persons or damage to property; shall bear all losses resulting to the collection company on account of the quantity or character of the work; shall assume the defense of and indemnify and hold harmless, the Town of Uxbridge, its officers, agents, and servants from all claims relating to labor and materials furnished to the work, and for all injuries to any person or corporation received or sustained by or from the PERMITTEE and employees doing the work, in consequence of any improper materials, implements or labor used therein; and to any act, omission or neglect of the PERMITTEE and its employees.

- c. The PERMITTEE agrees to indemnify the Town for any liability that may arise from the improper treatment, collection, storage or disposal by the PERMITTEE of hazardous wastes collected within the Town.

8. SUSPENSION, MODIFICATION OR REVOCATION OF PERMITS

Any refuse/recycling collection permit may be suspended, modified or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the PERMITTEE has not conformed to the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulation, rule or order regarding transportation or disposal of solid waste concerning the collection and disposal of rubbish. The Board of Health shall provide written notice to the PERMITTEE of its intent to suspend, modify or revoke a refuse/recycling collection permit. The notice shall contain the reasons for the suspension, modification or revocation and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven (7) days after the date of said notice. The PERMITTEE shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and reasons in writing.

9. SEVERABILITY

Each section shall be construed as separate to the end that, if any regulation, clause or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue in force.

10. EFFECTIVE DATE

This regulation shall be effective on March 31, 1999.

ARTICLE XX MINIMUM STANDARDS FOR TANNING FACILITIES

The Town of Uxbridge hereby adopts 105 CMR 123.000, as most recently amended, for Tanning facilities.
October 1, 1999

ARTICLE XXI MESSAGE THERAPY REGULATIONS

The Uxbridge Board of Health acting under the authority of Massachusetts General Laws, Chapter 111, Section 31 and Chapter 140, Section 51 adopts the following rules and regulations governing the practice of message therapy and the operation of an establishment to give message therapy.

21.0 PURPOSE

The Uxbridge Board of Health finds it necessary to license the practice of message therapy bodywork movement education (hereafter called Message Therapy) in order to protect the public health. It is the Board's intent that only individuals who meet and maintain minimum standards of education and conduct may provide services to the public.

No person shall practice message or conduct an establishment for the giving of message in the Town of Uxbridge without receiving a license therefore from the Town of Uxbridge Board of Health.

21.1 DEFINITIONS

For the purpose of these rules and regulations:

MESSAGE THERAPY shall mean the act or technique of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing, kneading, and guiding by manual means, for the purpose of invigoration, relaxation, education, or an increase in physical health and well-being.

ESTABLISHMENT shall mean any office, place of business or premises where message therapy is practiced.

MESSAGE THERAPIST shall mean a professional practitioner permitted by the Uxbridge Board of Health to practice message therapy.

APPROVED COURSE OF MASSAGE THERAPY shall mean a course in Massage Therapy which includes both theory and practice and is approved by the Board of Health of the Town of Uxbridge in accordance with accepted standards of the Accrediting Commission of Career Schools/Colleges of Technology (ACCSCT) or the American Massage Therapy Association (AMTA).

PROFESSIONAL PRACTITIONER shall mean any person who has successfully completed an approved course of message therapy and meets the conditions contained herein for licensing by the Board of Health.

21.2 APPLICATION FOR MASSAGE THERAPY PERMIT

Every applicant for a permit to operate as a Massage Therapist shall file an application under oath with the Uxbridge Board of Health upon a form provided by that Board and pay a non-refundable annual permit fee of \$30.00.

The permit issued is not transferable and will expire on June 30th of the calendar year and the fee for such permit shall not be prorated for any period of time less than one year. Applications for renewal must be submitted at least 30 days prior to the expiration date.

No person shall be permitted in the Town of Uxbridge unless the following requirements are met:

1. Submit to the Board of Health a completed application form supplied by the Board of Health.
2. Satisfactory evidence that the applicant is twenty (20) years of age or older.
3. One of the following:
 - a. Satisfactory evidence that the applicant has completed an approved course of study in massage therapy or bodywork or movement education, as approved by the ACCSCT or AMTA.
 - b. Individuals previously permitted to practice massage by the Town of Uxbridge shall be evaluated on a case by case basis.
4. Proof of a skin test for tuberculosis within the last two years. A current skin test for tuberculosis shall be required every 3 years thereafter for permit renewal.
5. Applicant must furnish the names, current addresses and written statements of at least two (2) residents of the Commonwealth of Massachusetts, preferably one residing in the Town of Uxbridge, that the applicant is of good moral character. These references must be persons other than relatives or business associates.
6. One face front recent photograph of the applicant at least 2" x 2".
7. The signing of the application constitutes acknowledgement that the applicant has read the rules and regulations.
8. Every person permitted to practice massage therapy will be issued a certificate to that effect, and when requested shall show such certificate to any legally authorized public officer or client.

Upon completion of the above and the furnishings of all foregoing information, the Board of Health shall accept the application for the necessary investigations. The holder of a Massage Therapist Permit shall notify the Board of Health of each change in any data required to be furnished by this section within ten (10) days after such change occurs.

21.3 EXEMPTIONS FOR MASSAGE THERAPIST PERMIT

The permitting provisions of these regulations shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

1. Physicians, Surgeons, Chiropractors, Osteopaths, Podiatrists, Physical Therapists or Occupational Therapists who are duly licensed to practice their respective profession in the Commonwealth of Massachusetts.
2. Barbers and Cosmetologist who are duly licensed under the laws of the Commonwealth of Massachusetts while engaging in practices within the scope of their licenses.

3. Personnel in hospital, nursing homes or other health care facilities licensed by the Commonwealth of Massachusetts.
4. Coaches and athletic trainers acting within the scope of their employment at accredited schools or educational institutions.
5. A person licensed or permitted to practice massage therapy in any city or town in the Commonwealth may, at the request of a licensed physician, attend patients specified by the physician, at the physician's facility in Uxbridge without obtaining an individual license to practice massage from the Uxbridge Board of Health. The massage therapist shall submit a copy of the license issued by another community, and written confirmation of the physician's request, and any other required information to the Board of Health prior to practicing massage therapy at the physician's office.

21.4 APPLICATION FOR MASSAGE THERAPY ESTABLISHMENT LICENSE

Every applicant for a license to maintain, operate or conduct a massage therapy establishment shall file an application under oath with the Uxbridge Board of Health upon a form provided by that Board and include an application fee of \$20.00. Each application shall contain but not limited to the following information:

1. A definition of the service to be provided.
2. The location, mailing address and all telephone numbers where the business is to be conducted.
3. The name and address of each massage therapist who is or will be employed in said establishment.
4. The name and residential address and telephone number of the applicant. If the applicant is a corporation, or a partnership, the names, residential addresses and telephone numbers of the officers and directors of the corporation or of the partners and the partnership itself if different from the massage therapy establishment.
5. Written evidence that the individual or partnership applicant is at least twenty (20) years of age.
6. Provide proof of Worker's Compensation Coverage in accordance with Mass General laws, Chapter 152, Section 25.
7. The names, current addresses and written statements of at least three (3) bona fide residents of the Commonwealth of Massachusetts, preferably one residing in the Town of Uxbridge, that the applicant is of good moral character. These references must be persons other than relatives or business associates.
8. Copy of the applicant's driver license (if applicable) and social security card.
9. Any change in ownership or location of the establishment requires a new application and license.
10. A Massage Therapists hired to work within the establishment must obtain a massage therapist permit from the Uxbridge Board of Health.

Upon completion of the above and the furnishings of all foregoing information, the Board of Health shall accept the application for the necessary investigations. The holder of a Massage Therapy Establishment License shall notify the Board of Health of each change in any data required to be furnished by this section within ten (10) days after such change occurs.

21.5 EXEMPTION FOR MASSAGE THERAPIST ESTABLISHMENT

1. Hospitals, Nursing Homes, Convalescent Homes and other similar licensed institutions, where massage therapy and baths may be given are exempt from the definition of a Massage Therapy Establishment.

21.6 REQUIREMENTS FOR LICENSED ESTABLISHMENTS

- A. Every person, corporation, partnership or association licensed as a massage therapy establishment under these rules and regulations shall display such license in a prominent place.

- B. Massage Therapy Establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens, which shall be stored so as to protect them from contamination. Towels and linens shall not be used on more than one patron unless they have first been laundered and sanitized. Disposable towels and coverings shall not be reused. Soiled linens and disposable items shall be deposited in separate covered receptacles.
- C. All instruments, equipment, devices, robes, sheets, blankets, pillowcases, wearing apparel, towels, or other materials which may come in direct contact with the body shall be properly cleaned and sanitized.
- D. Provide that all rooms used for massage therapy be clean and easily cleanable, well lighted, adequately ventilated and properly heated in accordance with local and or state regulations.
- E. There shall be an adequate supply of hot and cold running water at all times.
- F. There shall be approved toilet and handwashing facilities within the premises, readily available to the patrons and affording sufficient privacy.
- G. Maintain all areas of the establishment, including the furniture and equipment therein, in sanitary condition at all times.
- H. Provide handwashing sink convenient to all rooms used for massage therapy. Every person licensed to practice massage therapy shall thoroughly cleanse his hands by washing immediately before serving a person.
- I. Adequate arrangements shall be made to afford appropriate privacy.
- J. Notify the Board of Health at least fourteen (14) days prior to any change of name, address or ownership.
- K. Display in a conspicuous place the current permits of all massage therapist conducting massage therapy therein.

21.7 INSPECTIONS

Every license shall permit the Board of Health, its agents or other Town Authorities acting in an official capacity to inspect his/her place of business and his work at any reasonable time.

21.8 HOURS OF OPERATION

No establishment for the practice of massage therapy shall be open except between the hours of 6:00 a.m. and 11:00 p.m.

21.9 SUSPENSION OR REVOCATION OF LICENSE

1. The Board of Health may suspend, revoke or modify a massage therapy establishment license or massage therapist permit for any violation of these rules, or for false statements in the application for a license or permit, or for the confirmed performance of an illegal act or for cause by serving an order in writing to the license holder.
2. The person to whom an order has been served may request a hearing before the Board of Health by writing to the Board of Health within ten (10) days of the receipt of the order letter. A hearing will be granted in 30 days of receipt of the written request.

21.10 SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.

(Uxbridge Board of Health Date: June 8, 2000)

ARTICLE XXII BODY ART ESTABLISHMENT REGULATIONS

The Uxbridge Board of Health acting under the authority of Massachusetts General Laws, Chapter 111, Section 31, 122 and Chapter 140, section 51, adopts the following rules and regulations governing the licensing and practice of body art and the operation of an establishment for body art.

PURPOSE

The Town of Uxbridge Board of Health is promulgating rules and regulations, which provide minimum requirements to be met by any person performing body art upon any individual and for any establishment where body art is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body art is to be performed and sterilization of instruments.

These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including, but not limited to transmission of hepatitis B and/or Human Immunodeficiency Virus (HIV/AIDS).

No person shall practice body art or conduct an establishment for body art in the Town of Uxbridge without receiving a license therefore from the Town of Uxbridge Board of Health.

22.1 DEFINITIONS

For the purpose of these rules and regulations:

AFTERCARE means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

APPLICANT means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

AUTOCCLAVE means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

AUTOCCLAVING means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

BLOODBORNE PATHOGENS STANDARD means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

BOARD OF HEALTH OR BOARD means the Uxbridge Board of Health.

BODY ART means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

BODY ART ESTABLISHMENT or establishment means a location, place, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

BODY ART PRACTITIONER or practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

BODY PIERCING means puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

BRANDING means inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

CLIENT means a member of the public who requests a body art procedure at a body art establishment.

CONTAMINATED WASTE means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary code, Chapter VIII.

DEPARTMENT means the Department of Public Health or its authorized representatives.

DISINFECTANT means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

DISINFECTION means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

EAR PIERCING means the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturers instructions.

EQUIPMENT means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

HAND SINK means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

HOT WATER means water that attains and maintains a temperature 110-130 degrees Fahrenheit.

INSTRUMENTS USED FOR BODY ART means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

INVASIVE means entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

JEWELRY means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

MINOR means any person under the age of eighteen (18) years.

MOBILE BODY ART ESTABLISHMENT means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat one desires to or actually does conduct body art procedures.

OPERATOR means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

PERMIT means Board approval in writing to either (1) operate a body establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these model regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within community or political subdivision comprising the Board's jurisdiction.

PERSON means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

PHYSICIAN means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.L.G. c. 112 section 2.

PROCEDURE SURFACE means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to an including the body art procedure, or any associated work area which may require sanitizing.

SANITARY means clean and free of agents of infection or disease.

SANITIZE means the application of an U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

SCARIFICATION means altering the skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

SHARPS means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

SHARPS CONTAINER means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

SINGLE USE ITEMS means products or items that are intended for one-time, one-person use and disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

STERILIZE means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

TATTOO means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOOING means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

ULTRASONIC CLEANING UNIT means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

UNIVERSAL PRECAUTIONS means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989 Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

22.2 EXEMPTIONS

- A. Physicians licensed in accordance with M.G.L. c. 112 section 2 who perform body art procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

22.3 RESTRICTIONS

- 1. No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.

2. Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.
3. No insertion of foreign objects, scarification, incision or abrading of the skin may be performed.
4. No Mobile Body Art establishments shall be permitted.
5. The following body piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so called "deep" piercing of the penis-meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum-meaning piercing through the scrotum, or "transcrotal" piercing; piercing of the vagina. No piercing of the genitalia shall be performed.

22.4 OPERATION OF BODY ART ESTABLISHMENT

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

A. Physical Plant

1. Walls, floors, ceilings, and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
2. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
3. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
4. Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers or partition at a minimum.
5. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
6. A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
7. There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
8. At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly.
9. At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

10. All instruments and body art supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
11. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
12. The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
13. No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
14. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

B. Requirements for Single Use Items Including Inks, Dyes and Pigments

1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.00
2. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
3. Hollow bore needles or needles with a cannula shall not be reused.
4. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
5. Inks, dyes or pigments may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded. In preparing dyes or pigments, non-toxic materials shall be used.

C. Sanitation and Sterilization Measures and Procedures

1. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and warm water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposed under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
3. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
4. Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.

5. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
7. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
8. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
9. Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used.

D. Posting Requirements

The following shall be prominently displayed:

1. A Disclosure Statement, a model of which shall be available from the Board. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
2. The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.
3. An Emergency Plan, including:
 - a. A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - b. A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - c. A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
4. An occupancy and use permit as issued by the local building official.
5. A current establishment permit.
6. Each practitioner's permit.

E. Establishment Recordkeeping

The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

1. Establishment information, which shall include:
 - a. Establishment name;
 - b. Hours of operation;
 - c. Owner's name and address;
 - d. A complete description of all body art procedures performed;
 - e. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - f. A Material Safety Data Sheet, for each ink, dye and carrier used by the establishment; and
 - g. A copy of these regulations.
2. Employee information, which shall include:
 - a. Full names and exact duties;
 - b. Date of birth;
 - c. Home address;

- d. Home/work phone numbers; and
- 3. Client Information, which shall include:
 - a. Name;
 - b. Date of birth;
 - c. Address of the client;
 - d. Date of the procedure;
 - e. Name of the practitioner who performed the procedure(s);
 - f. Description of procedure(s) performed and the location on the body;
 - g. A signed consent form as specified by section 5(D) (2); and,
 - h. If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian.
 - i. Documentation of any conditions listed in Section 5(D)(1)
 - j. Photocopy of picture identification of client 18 years of age or older.

Client information shall be kept confidential at all times.

The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

Every license shall permit the Board of Health, its agents or other Town Authorities acting in an official capacity to inspect his/her place of business and his/her work at any reasonable time.

Hours of Operation: No establishment for the practice of body art shall be open except between the hours of 6:00 a.m. and 11:00 p.m.

22.5 STANDARD OF PRACTICE

Practitioners are required to comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
- B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear-piercing systems must conform to the manufacturers directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- D. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - 1. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
 - a. History of diabetes;
 - b. History of hemophilia (bleeding);
 - c. History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - d. History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - e. History of epilepsy, seizures, fainting, or narcolepsy;
 - f. Use of medications such as anticoagulants, which then the blood and/or interfere with blood clotting; and
 - g. Any other conditions such as hepatitis or HIV.
 - 2. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 5(K).

- E. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in warm running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- F. In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.
- G. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- H. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- I. Preparation and care of a client's skin are must comply with the following:
 - 1. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - 2. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - 3. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in an appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- J. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- K. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - 1. On the proper cleansing of the area which received by the body art;
 - 2. To consult a health care provider for:
 - a. Unexpected redness, tenderness or swelling at the site of the body art procedure;
 - b. Any rash;
 - c. Unexpected drainage at or from the site of the body art procedure; or
 - d. A fever within 24 hours of the body art procedure; and
 - 3. Of the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Department.

- L. Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

22.6 TATTOO PROCEDURES

A tattoo artist shall conduct his/her tattooing practice so as to prevent the transmission of communicable diseases from client to client and from artist to client. Tattoo artists shall maintain at least the following minimum standards in the practice of tattooing:

- A. The area of the body to be tattooed, and all parts of the body which are visible, shall be examined for signs of intravenous drug use, open sores, lesions, oozing wounds, and skin diseases. If such are found, or suspected, the person shall not be tattooed.
- B. Each tattoo artist shall wear a clean outer garment. If the garment is visibly contaminated with blood, it shall be changed between clients.
- C. Before working on each client, each tattoo artists shall clean his/her own fingernails with a brush and shall thoroughly wash and scrub hands with hot running water, using germicidal soap from a dispenser. Hands must also be washed after each rest room use, before putting on gloves and after taking off gloves.
- D. All materials necessary for tattooing process shall be set up on a single-use disposable sterile cloth (e.g., polycloth). All autoclaved/sterile packs shall be opened ready for use without touching the interior of the pack. Single-use or collapsible tubes shall be used for lubricants.
- E. Any shaving shall be done with a single use razor blade or razor.
- F. The skin shall be prepared first by thoroughly soaping with an antiseptic soap and rinsing with tap water. Following this cleansing, a germicidal solution (such as 70% isopropyl alcohol) shall be applied to the skin using a sterile swab.
- G. Stencil transfer medium shall be applied (if applicable) using sterile swabs and prepared clean stencil shall be applied to the skin.
- H. After applying the stencil, the tattoo artist shall remove and discard gloves and again wash and scrub his/her hands with soap and water and dry hands using paper towels.
- I. Prior to commencing application of the tattoo, the tattoo artist shall then put on single use gloves, which shall be used for a single tattooing procedure only.
- J. If there is a need to rinse the tube and needle between colors, this shall be done with ninety-one percent (91%) isopropyl alcohol or sterile water in sterile single-use disposable containers or non-disposable sterilized containers.
- K. As the tattoo operation progresses, any excess dye or pigment applied to the skin shall be removed with sterile, lint-free material.
- L. The tattoo shall be allowed to dry. After drying, a sterile lubricant shall be applied from a collapsible metal or plastic tube, and the entire area covered with a piece of sterile gauze.

22.7 INJURY REPORTS

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- A. The name of the affected client;

- B. The name and location of the body art establishment involved;
- C. The nature of the injury, infection complication or disease;
- D. The name and address of the affected client's health care provider, if any; and
- E. Any other information considered relevant to the situation.

22.8 EXPOSURE INCIDENT REPORT

An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity. A copy of the report shall be forwarded to the Board of Health within five working days.

Each Exposure Incident Report shall contain:

- 1. A copy of the application and consent form for body art activity completed by any client or minor client involved in the exposure incident;
- 2. A full description of the exposure incident, including the portion of the body involved therein;
- 3. Instrument(s) or other equipment implicated;
- 4. A copy of body art practitioner license of the involved body art practitioner;
- 5. Date and time of exposure;
- 6. A copy of any medical history released to the body art establishment or body art practitioner; and
- 7. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

22.9 COMPLAINTS

- A. The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- B. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- C. If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

22.10 APPLICATION FOR BODY ART ESTABLISHMENT PERMIT

- A. No person may operate a body art establishment except with a valid permit from the Board.
- B. Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- C. An establishment permit shall be valid from the date of issuance and shall automatically expire on June 30th of each calendar year unless revoked sooner by the Board.
- D. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - 1. Name, address, and telephone number of:
 - a. The body art establishment;
 - b. The operator of the establishment; and

- c. The body art practitioner(s) working at the establishment.
- 2. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
- 3. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations;
- 4. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process;
- 5. Copy of the applicant's driver license; or other state identification (Passport)
- 6. Provide proof of Worker's Compensation Coverage in accordance with M.G.L., Chapter 152, section 25.
- 7. Exposure Report Plan
- 8. If the water supply is other than municipal water, a negative bacterial assay of the water is required for initial application and at any other time at the Board's discretion.
- 9. Such additional information as the Board may reasonably require.
- E. The Board shall set a reasonable fee for such permit.
- F. A permit for a body art establishment shall not be transferable from one place or person to another.
- G. Any change in ownership or location of the establishment requires a new application and license.
- H. A satisfactory inspection by the Board of Health is required before issuance of the establishment permit.

22.11 APPLICATION FOR BODY ART PRACTITIONER PERMIT

- A. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- B. A practitioner shall be a minimum of 18 years of age.
- C. A practitioner permit shall be valid from the date of issuance and shall automatically expire June 30th of each calendar year unless revoked sooner by the Board.
- D. Application for a practitioner permit shall include:
 - 1. Name;
 - 2. Date of birth;
 - 3. Residence address;
 - 4. Mailing address;
 - 5. Phone number;
 - 6. Place(s) of employment as a practitioner;
 - 7. Copy of the applicant's drivers license or other state identification (Passport);
 - 8. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations;
 - 9. Such additional information as the Board may reasonably require;
 - 10. Training and/or experience as set out in (E) below; and
 - 11. Proof of a skin test for tuberculosis within the last two years. A current skin test for tuberculosis shall be required every 3 years thereafter for permit renewal.
- E. Practitioner Training and Experience:

1. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
 2. Training for all practitioners shall be approved by the Board, and, at a minimum, shall include the following:
 - a. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
 - b. Current certification in First Aid and cardiopulmonary resuscitation (CPR). Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
 3. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.
 4. The applicant for a tattoo practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.
- F. A permit for a body art practitioner shall not be transferable from one person to another.
- G. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations.

22.12 GROUNDS FOR DENIAL OF PERMIT, REVOCATION OF PERMIT, OR REFUSAL TO RENEW PERMIT

- A. The Board may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
1. Any actions which would indicate that the health or safety of the public would be at risk;
 2. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 3. Criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 4. Any present or past violation of the Board's regulations governing the practice of body art;
 5. Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 6. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 7. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 8. Continuing to practice while his/her permit is lapsed, suspended, or revoked;
 9. Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations; and
 10. Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.

- B. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.
- C. Applicants denied a permit may reapply at any time after denial.

22.13 GROUNDS FOR SUSPENSION OF PERMIT

The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

22.14 PROCEDURE FOR HEARINGS

A. Suspension of a Permit

1. After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
2. Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
3. In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

B. Denial, Revocation, or Refusal to Renew a Permit

1. If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.
2. Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

22.15 UNAUTHORIZED PRACTICE OF BODY ART

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

22.16 SEVERABILITY

If any provision contained in the regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

EFFECTIVE DATE

These regulations shall be effective on April 20, 2001.

ARTICLE XXIII FLOOR DRAIN REGULATIONS

PURPOSE OF REGULATION

Whereas:

- floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and

- poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and
- improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground and;
- discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and
- surface and ground water resources in the Town of Uxbridge contribute to the town's drinking water supplies.

The Town of Uxbridge adopts the following regulation, under the authority as specified in Section II, as a preventative measure for the purposes of:

- preserving and protecting the Town of Uxbridge's drinking water resources from discharges of pollutants to the ground via floor drains, and
- minimizing the threat of economic losses to the Town due to such discharges.

SCOPE OF AUTHORITY

The Town of Uxbridge Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c.111 s.31 and s.122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Uxbridge.

23.1 DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meanings:

COMMERCIAL AND INDUSTRIAL FACILITY: A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations: service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous waste; laboratories; hospitals.

DEPARTMENT: The Massachusetts Department of Environmental Protection.

DISCHARGE: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation; leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

DRINKING WATER RESOURCES: Any and all potable water supplies including but not limited to, public water supply, public wells, private wells and surface water groundwater.

FLOOR DRAIN: An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

LEACHING STRUCTURE: Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to drywells, leaching catch basins, cesspools, leach field, and oil/water separators that are not water-tight.

OIL/WATER SEPARATOR: A device designed and installed so as to separate and retain petroleum based oil or grease, flammable wastes as well as sand and particles from normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors).

TOXIC OR HAZARDOUS MATERIAL: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Uxbridge. Toxic or hazardous materials include; without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C

and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000) and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

USE OF TOXIC OR HAZARDOUS MATERIAL: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

23.2 PROHIBITIONS

With the exception of discharges that have received (or have applied for and will receive) a Department issued permit prior to the effective date of this regulation, no floor drain(s) shall be allowed to discharge with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- A. An industrial or commercial process area;
- B. A petroleum, toxic, or hazardous materials and/or waste storage area; or
- C. A leased facility without either A or B of this section, but in which the potential for a change of use of the property to a use which does have either A or B is, in the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present.

23.3 REQUIREMENTS FOR EXISTING FACILITIES

- A. The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Section 23.1) floor drain system shall:
 - 1. Disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators and/or septic systems;
 - 2. Remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste regulations (310 CMR 30.000). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
 - 3. Alter the floor drain system so that the floor drain shall be either:
 - a. Connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Uxbridge Board of Health at the time of hauling;
 - b. Connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
 - c. Permanently sealed. (Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes.)
- B. Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health bi-annually.
- C. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building and Fire code requirements.
- D. Upon complying with one of the options listed under Section 23.3 (A)(3), the owner/operator of the facility shall notify the Department of the closure of said system by filing the Department's UIC Notification Form (by contacting the Department of Environmental Protection at 508-792-7692) with the Department, and sending a copy to the Uxbridge Board of Health.

23.4 EFFECTIVE DATES FOR ALL FACILITIES

A. Existing Facilities:

1. Owners/Operators of a facility affected by this regulation shall comply with all of its provisions within (120) days of the effective date;
2. All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

B. New Facilities:

1. As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Uxbridge shall comply with the provisions of this regulation.
2. The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in Section 23.3 (B). All facilities must keep a log as to when the separator is cleaned and who cleaned it. Records of hauling of such materials should be submitted to this office bi-annually. Both should be available at any time upon inspection of property or request from the Board of Health or its agent.

23.5 PENALTIES

Failure to comply with provisions of this regulation may result in the pursuance of legal action or enforcement by the State Department of Environmental Protection. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

23.6 SEVERABILITY

Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

23.7 EFFECTIVE DATE

These regulations shall be effective as of June 15, 2002.

ARTICLE XXIV ENVIRONMENTAL TOBACCO SMOKE (ETS) REGULATIONS

PURPOSE

Whereas conclusive evidence exists that tobacco smoke causes cancer (U.S. Surgeon General, 1986), respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke (ETS), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, "Actual Causes of Death in the United States", JAMA 1993 270:2207-2212); and whereas in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco smoke as a known human carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997); now, therefore, the Town of Uxbridge recognizes the right of those who wish to breathe smoke-free air and recognizes that the need to breathe smoke-free air shall have priority over the desire to smoke and establishes this regulation to protect and improve the public health and welfare by regulating smoking in certain public places.

24.1 AUTHORITY

This regulation is promulgated under the authority granted to the Uxbridge Board of Health under Massachusetts General Laws Chapter III, Section 31 that "boards of health may make reasonable health regulations."

24.2 DEFINITIONS

For the purposes of this regulation, the following definitions shall apply:

BUSINESS AGENT: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

BAR/LOUNGE/TAVERN: An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises, in which the serving of food is only incidental to the consumption of such beverages, and in which the owner or his business agent ensures that persons under the age of 18 may never enter the premises at any time. Revenue generated from the serving of alcoholic beverages must be equal to or greater than eighty percent (80%) of the total combined revenue generated by the service of such beverages and food.

BAR/LOUNGE/ TAVERN AREA OF A RESTAURANT: An area of a restaurant that is devoted to the serving of alcoholic beverages for consumption by guests or restaurant patrons on the premises, in which the serving of food is only incidental to the consumption of such beverages, and in which the owner or his business agent ensures that persons under the age of 18 may never enter at any time. Revenue generated from the serving of alcoholic beverages must be equal to or greater than eighty percent (80%) of the total combined revenue generated by the service of such beverages and food only within the area of the restaurant devoted to the serving of alcoholic beverages for consumption by guests.

BOARD: The Board of Health of the Town of Uxbridge.

ENCLOSED: A space bound by walls continuous from the floor to the ceiling and enclosed by doors, windows or the like.

HEALTH CARE FACILITY: Any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

INDOOR SPORTS ARENA: Any sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar recreational facilities where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

PERSON: Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

POURING LICENSE: A Section 12 License, as defined by the Massachusetts Alcoholic Beverages Control Commission, that permits the sale of alcoholic beverages to be drunk on the premises.

PRIVATE SOCIAL FUNCTION: A social gathering associated with a single purpose that is not open to the public and is under the control of the host, hostess rather than the proprietor, manager, such as a wedding reception.

PUBLIC PLACE: Any building or facility owned, leased, operated or occupied by the municipality, including school buildings and grounds; any area open to the general public including, but not limited to, libraries, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inns/hotel/motel lobbies, educational facilities, shopping malls, public restrooms, restaurants, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public and licensed child-care locations.

PUBLIC TRANSPORTATION: Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the city including indoor platforms by which such means of transportation may be accessed.

RESTAURANT: Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and other eating establishment which gives or offers food for sale to the public, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

RETAIL FOOD STORE: Any establishment commonly known as a supermarket, grocery store, bakery, or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

RETAIL STORE: Any establishment whose primary purpose is to sell or offer for sale to consumers, but not resale, any goods, wares, merchandise, articles or other things, including retail food stores. "Retail store" shall not include restaurants as defined herein.

SEATING CAPACITY: The capacity designated on the occupancy permit of a food service establishment.

SMOKING: Inhaling, exhaling, burning or carrying any lighted tobacco product.

VENTILATION SYSTEM: A mechanical system to remove tobacco smoke and exchange inside air by bringing in fresh air at a rate to produce a minimum of 10 air exchanges per hour. The air being ventilated shall be under negative pressure sufficient to prevent tobacco smoke from entering all non-smoking areas. Particulate air cleaners or filtration systems are not considered a ventilation system.

24.3 SMOKING PROHIBITED

A. Restaurants and Public Places: No person shall smoke nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this regulation, or the business agent or designee of such person, permit a person to smoke in any of the following places as defined herein: restaurants, retail stores, supermarkets, grocery stores, health care facilities, polling places, public places, indoor sports arenas or public transportation, except as otherwise provided in Section 24.4 of this regulation.

B. Posting notice of prohibition: Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Uxbridge Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Uxbridge Board of Health.

C. Smoking where notice of prohibition posted: No person shall smoke in any place in which a sign conforming to the requirements of Section 24.3, Part B of this regulation is posted. No person shall remove a sign posted under the authority of Section 24.3, Part B of this regulation.

24.4 EXCEPTIONS TO SMOKING PROHIBIT

Notwithstanding the provisions of Section 24.3 of this regulation, smoking may be permitted in the following places and/or circumstances:

- A. Private residences, except those portions used as a child care or health care office when operating as such;
- B. Hotel and motel rooms rented to guests that are designated as smoking rooms. The rooms so designated shall be posted with signage indicating that smoking is allowed therein. The number of rooms that are designated as smoking and the number designated as non-smoking must be submitted in writing to the Board of Health. No changes in room designation can take place without prior written approval of the Board of Health;
- C. Hotel and motel conference/meeting rooms and completely enclosed private assembly rooms while these places are being used for private social functions;
- D. Private or semiprivate rooms of nursing homes and long term facilities, which are separately ventilated, occupied by one (1) or more patients, all of whom are smokers who have requested in writing to be placed in rooms where smoking is permitted;
- E. The bar area of a restaurant that holds a pouring license, provided that (1) it is enclosed and separated from other areas of the restaurant by location in a separate room or by means of physical barriers that completely enclose the bar area of the restaurant, (2) it is served by a ventilation system that is separate from the ventilation system that serves the non-smoking portion of the restaurant, (3) restaurant patrons need not pass through the bar area of the restaurant to enter or exist the restaurant, waiting area, or restrooms, (4) the entry of persons under eighteen years of age is prohibited, (5) a sign approved and supplied by the Board of Health is conspicuously posted at the entrance stating that "persons under eighteen years of age are prohibited," (6) a sign approved and

supplied by the Board of Health is conspicuously posted at each entrance advising patrons of the health hazards of environmental tobacco smoke, (7) the ventilation system has been certified by an HVAC engineer hired by the proprietor to meet the required functional specifications;

- F. Bars provided that (1) the entry of persons under eighteen years of age is prohibited, (2) a sign approved and supplied by the Board of Health is conspicuously posted at the entrance stating that "persons under eighteen years of age are prohibited," (3) a sign approved and supplied by the Board of Health is conspicuously posted at each entrance advising patrons of the health hazards of environmental tobacco smoke; and
- G. Retail tobacco stores that are primarily for the sale of tobacco products and paraphernalia, in which the sale of other products is merely incidental, prohibit minors from entering the establishment and are not required to possess a retail food permit.

24.5 ENFORCEMENT

A. **Penalties:** Any person who violates this regulation shall be subject to a fine of one-hundred dollars (\$100) for the current offense, two-hundred dollars (\$200) for a second offense within one year of the date of the current offense and three-hundred dollars (\$300) for a third or subsequent offense within one year of the date of the current offense. A fourth or subsequent offense within one year of the date of the current offense will result in suspension of one or more permits issued by Board of Health to the offending person or establishment.

This regulation shall be enforced by the Police Department or the Board of Health and its designees. One method of enforcement may be periodic, unannounced inspections of those establishments subject to this regulation. Any citizen who desires to register a complaint under this regulation may request that the Board of Health initiate an investigation. Any fines imposed under the provisions of this regulation shall inure to the Town for such use as the town may direct.

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by filing a criminal complaint at the appropriate venue or by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D (after such time, if at all, the Town authorizes the use of the non-criminal method of disposition for this regulation).

Each day on which any violation exists shall be deemed to be a separate offense.

The Board of Health shall provide notice of the intent to suspend a permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. The Board of Health after a hearing, may suspend the permit.

24.6 CONFLICT WITH OTHER LAWS OR REGULATIONS

Notwithstanding the provisions of the foregoing, nothing in this regulation shall be deemed to either amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

24.7 SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

24.8 EFFECTIVE DATE

These regulations shall be effective as of October 5, 2002.

ABRASIVE BLASTING REGULATIONS

By virtue of the authority granted to the Board of Health of the Town of Uxbridge under the provisions of the General Laws, Chapter III, Section 31C, the following regulations pertaining to abrasive blasting of paint from any interior or exterior surfaces of any structures within the Town of Uxbridge are hereby promulgated:

A permit is required for removal of paint by abrasive blasting from any interior or exterior surface of any structure within the Town of Uxbridge. Such permits shall be granted in writing to the owner of the structure by the Board of Health only upon the following General Terms and Conditions, and subject to such other special terms and conditions as the Board of Health shall find necessary to protect the public health and welfare.

1. APPLICATION FOR PERMIT

Application for permit shall be in writing, on a form provided or specified by the Board of Health. Such application shall indicate test results for lead content done by a laboratory approved by the Board of Health.

2. LEAD CONTENT

In no case will permits be issued for wet or dry abrasive blasting of the interior or exterior surfaces of structures if the test results for lead indicate the presence of lead based paint.

3. EXTERIOR BLASTING

Exterior blasting in the absence of lead is allowed only under the following conditions:

- A. Such blasting operations shall be sufficiently shrouded to contain particulate matter from entering the ambient air space, to prevent visible emissions beyond the vertically extended property line, to prevent public exposures to particulates, and to prevent deposition of particulate matter upon public and other private property.
- B. There shall be no abrasive blasting whatsoever if the wind velocity exceeds twenty miles per hour.
- C. Enclosure(s) shall not be removed until all external surfaces, including the ground in the vicinity, are thoroughly cleaned of all loose material attributable to the abrasive blasting operation.

4. INTERIOR BLASTING

Interior blasting in the absence of lead paint is allowed only under the following conditions:

- A. All doors, windows, or any openings to the ambient air space must be sealed and/or shrouded to particulates from entering the ambient air space, to prevent visible emissions beyond the vertically extended property line, to prevent public exposure to particulates, and to prevent deposition of particulate matter upon public and other private property.
- B. All doors, joints, cracks and other openings adjacent to occupied offices or apartments shall be corked or otherwise sealed to prevent dust from entering said areas.
- C. All openings to the ambient air space must remain sealed and/or shrouded during clean-up of abrasive and abraded materials and use of a covered chute with water spray must be used if said materials are deposited from the building to a receptacle below to prevent particulates from entering the ambient air space.

5. ABRASIVE BLASTING CONDITIONS

- A. The permit shall be displayed in a conspicuous location during the abrasive blasting operations.
- B. The permittee shall notify the Board of Health of the starting date of abrasive blasting operations.
- C. There shall be a complete clean up of all removed paint, dust particles and/or abrasive materials within two hours of operations shut down every day.
- D. The Board of Health, upon its initiative or upon application to it by any person, after due notice and public hearing, may vary any provision of these regulations as it may deem necessary with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustices or cause undue hardships, provided that the decision of the Board shall not conflict with the spirit of these regulations. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant.

6. PENALTIES

- A. The permittee is responsible for compliance with all conditions and terms stated herein. Whoever violates this regulation shall be punished, for the first offense, by a fine of not less fifty dollars nor more than one hundred dollars and for a subsequent offense, by a fine of not less than two hundred dollars nor more than five hundred

dollars. For the purpose of this paragraph each day or part thereof of violation of this regulation, whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

- B. Any of the following conditions shall be prima facie evidence of violation of this regulation. Visible emission of particulate matter, beyond the vertically extended property line of the owner of the property on which abrasive blasting is permitted. Deposition of visible amounts of particulate matter upon public or other private property. Failure to obtain express written permission from the Board of Health to engage in an abrasive blasting operation, or after denial of such permission.

7. FEES

Permit fee of \$10.00 per Building.

GROUNDWATER PROTECTION REGULATION MAY 28, 2004

Section I. PURPOSE OF REGULATION

Whereas:

- Siting of land uses that have the potential to release hazardous waste, petroleum products, or other contaminants significantly increases the risk of contamination;
- Poor management practices, accidental discharges, and improper maintenance of these facilities may lead to the release of pollutants;
- Discharges of hazardous wastes, leachate, pathogens, and other pollutants have repeatedly threatened surface and ground water quality throughout Massachusetts;
- Surface and ground water resources in the Town of Uxbridge contributes to the town's drinking water supplies;
- Therefore, the Uxbridge Board of Health adopts the following regulation, under its authority as specified in Section II, as a preventative measure for the purposes of: discharges of pollutants; and
- Minimizing the risk to public health and the environment in the Town due to such discharges.

Section II. SCOPE OF AUTHORITY

The Town of Uxbridge Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c111 s.31 and s.122. The regulation shall apply, as specified herein, to all applicable facilities within the Zone IIs and/or the Interim Wellhead Protection Areas (IWPA) as shown on a map dated April 2003 by Tighe & Bond Engineers depicting Public Water Supply wells (PWS) 01G, 02G, 03G, 04G, 05G, and 06G and their respective Zone II's.

Section III. DEFINITIONS

For the purposes of this regulation, the following words and phrases shall have the following meanings:

COMMERCIAL FERTILIZERS: Any substance containing one or more recognized plant nutrients which is use for its plant nutrient content and which is designed for use, or claimed by its manufacturer to have value in promoting plant growth. Commercial fertilizers do not include un-manipulated or composted animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum.

DEPARTMENT: The Massachusetts Department of Environmental Protection.

DISCHARGE: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on site leaching structure or sewage disposal system.

HAZARDOUS MATERIAL: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive, or infectious characteristics may reasonably pose a

significant, actual or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as “toxic” or “hazardous” under Massachusetts General Laws (M.G>L.) Chapter 21C and 21E, using the Massachusetts oil and Hazardous Substance List (310 CMR 40.0000). The definition may also include acids and alkali, solvents, thinners, and pesticides.

HISTORICAL HIGH GROUNDWATER TABLE ELEVATION: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

INTERIM WELLHEAD PROTECTION AREAS (IWPA): A one half mile radius around a well or wellfield that lacks a DEP approved Zone II and whose approved pumping rate is 100,000 gpd or greater.

LANDFILL: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

NON-SANITARY WASTEWATER: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than a collection of sanitary sewage, including, but not limited to, activities specified in the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6).

OPEN DUMP: A facility which is operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)), or the regulations and criteria for solid waste disposal.

SEPTAGE: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material, which is a hazardous waste, pursuant to 310 CMR 30.000.

SLUDGE: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

TREATMENT WORKS: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

VERY SMALL QUANTITY GENERATORS: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

WASTE OIL RETENTION FACILITY: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M. G. L.c.21. s. 52A.

ZONE II: The area of an aquifer which contributes water to a well under severe pumping, and recharge conditions that can be realistically anticipated (180 days of pumping at a safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

Section IV. PROHIBITIONS

A. Notwithstanding any land uses which are otherwise permitted by local, state, and/or other federal laws, the siting of any of the following is prohibited in the zone II and IWPA:

- Landfills and open dumps;
- Automobile graveyards and junkyards;

- Sludge and septage monofils.
- Disposal or stockpiling of chemically treated snow and ice that have been removed from highways and roadways from outside the Zone II excepting disposal and stockpile areas that are located down gradient of existing wells and discharge outside their respective Zone II;
- Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5983 and 5171, not including liquefied petroleum gas SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments;
- Facilities for the treatment or disposal of non-sanitary wastewater, except:
 - a. Replacement or repair of an existing system is exempt if the existing design capacity is not exceeded; and
 - b. Treatment works approved by the Department and designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05 or 5.05(13); and
 - c. Publicly owned treatment works.
- Facilities that generate, treat, store, or dispose of hazardous waste, except;
 - a. Very small quantity generators (VSQGs)
 - b. Household hazardous waste collection centers or collection events,
 - c. Waste oil retention facilities, and
 - d. Treatment works for the restoration of contaminated ground or surface waters in compliance with M.G.L. c.21E and 310 CMR 40.000.
- Removal of soil, loam, sand, gravel, or any other mineral substances within five feet of the historical high groundwater table elevation, except:
 - a. Substances which are removed and re-deposited within 45 days of removal on site to achieve a final grade greater than four feet above the historical high water mark; and
 - b. Excavations for the construction of building foundations or the installation of utilities.
- Land uses that result in impervious cover, of any lot or parcel (footprint of building to be included), more than 15% or 2,500 feet (whichever is greater), unless a system of artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

Section V. CONDITIONAL PROHIBITIONS

The storage of certain waste materials, chemicals, and petroleum products is prohibited except if contained in accordance with the following requirements:

- Storage of sludge and septage unless such storage is in compliance with 310 CMR 32.00
- Storage of roadway de-icing chemicals (sodium chloride, chemically treated abrasives, or other chemicals), chemical fertilizers and animal manure; unless such storage is within a structure designed to prevent and which effectively does prevent the generation and release of contaminated leachate or runoff.
- Storage of liquid hazardous materials, as defined in M.G. L c. 21E, and /or liquid petroleum products, unless materials are stored:
 - a. Above ground level and on an impervious surface and
 - b. In containers (or above ground tanks) within a building, or, outdoors in covered containers (or above ground tanks) designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110: of the largest container's storage capacity, whichever is greater.

These storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements.

Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire Code requirements.

Section VI. ENFORCEMENT

A. Penalties: Regulations shall be enforced by the Police Department or the Board of Health and its designees. One method of enforcement may be periodic, unannounced inspections of those establishments subject to this regulation. Any citizen who desires to register a complaint under this regulation may request that the Board of Health initiate an investigation. Any fines imposed under the provisions of this regulation shall inure to the Town for such use as the town may direct.

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by filing a criminal complaint at the appropriate venue.

Each day on which any violation exists shall be deemed to be a separate offense.

The Board of Health shall provide notice of the intent to suspend a permit, certificate, or license, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. The Board of Health after a hearing may suspend the permit/certificate or license.

SEVERABILITY

If any provision of the said regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

EFFECTIVE DATE

These regulations shall be effective as of May 28, 2004.

TOWN OF UXBRIDGE DEPARTMENT OF PUBLIC WORKS REGULATIONS

MINIMUM STANDARDS FOR PUBLIC WATER SYSTEM CONSTRUCTION AND RELATED RULES AND REGULATIONS

(Adopted 8/29/02, 3/24/03)

SECTION 1 GENERAL

1.1 SURVEYS AND PERMITS

The contractor shall furnish all boundary surveys and establish all base lines for locating the principal component parts of the work together with a suitable number of benchmarks adjacent to the work. The contractor shall develop and make all detail surveys needed for construction such as slope stakes, batter boards, stakes for pile locations and other working points, lines, elevations and cut sheets. Plans and profiles shall be 1"= 40' horizontal scale and profiles shall be 1"= 4' vertical scale.

The contractor shall provide three (3) copies of design plans and documents to the Department of Public Works for approval. No changes to approved plans will be permitted without prior written approval of the Department of Public Works. Following the completion of construction and prior to acceptance by the Town, the contractor shall furnish three (3) copies of as-built drawings to the Dept. of Public Works, which shall indicate any deviations from the original plans and specifications.

The contractor shall carefully preserve bench marks, reference points and stakes and, in case of willful or careless destruction, shall be charged with the resulting expense and shall be responsible for any mistakes that may be caused by their unnecessary loss or disturbance.

Permits and licenses necessary for the prosecution of the work shall be secured and paid for by the contractor. A connection/inspection fee and a system development charge shall be paid to the Town prior to the start of any work (see Section 5 for a complete description of all assessments). Permits, licenses and easements for facilities shall be secured and paid for by the contractor, unless otherwise specified. The contractor shall give all notices and comply with all laws, ordinances, rules and regulations.

Any person proposing a new extension to an existing public water main shall notify the Department of Public Works at least thirty (30) days prior to any proposed work to allow for review of the application and design and to determine if adequate water volume and pressure is provided. Analysis of the design and determination of adequate volumes and pressures may be performed by a consultant to the Department of Public Works utilizing a hydraulic computer model of the Uxbridge Water System. Costs associated with the consultant's hydraulic analysis will be the responsibility of the contractor. Notification to the Department of Public Works shall include the filing of an application for a permit for the extension of the public water main or water service connection or any other work in relation thereto. Separate permits shall be required for water main extensions and for each individual water service connection. Permit applications shall be obtained from the Department of Public Works. System Development charges shall also be submitted with the application.

Permits shall not be transferable. A change in ownership of a parcel of land to be serviced, or a change in the contractor, shall require a new permit.

Installation of water mains or services in the public way shall be prohibited between the dates of November 15th and March 15th unless extenuating circumstances exist and written approval is granted by the Department of Public Works.

1.2 PROTECTION OF WORK, PROPERTY AND PERSONS

The contractor will be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The contractor will provide all necessary protection to prevent damage, injury or loss to all employees on the work and other persons who may be affected thereby, to all the work and to all materials or equipment to be incorporated therein, and other property at the site or adjacent thereto.

Damaged or defective materials shall be removed from the work and from the job site. The contractor shall replace any damaged material with new material consistent with requirements and approvals.

Contractors or customers shall notify the Department of Public Works at least three (3) days prior to any repair work on water service lines on private property unless in case of an emergency.

No permit shall be issued until the applicant provides a valid Dig Safe number to the Department of Public Works.

The contractor will comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction. The contractor will erect and maintain, as required by the conditions and progress of the work, all necessary safeguards for safety and protection. The contractor will notify owners of adjacent utilities when prosecution of the work may affect them. The contractor will remedy all damage, injury or loss to any property caused, directly or indirectly, in whole or in part, by the contractor, any subcontractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

Contractors shall supply all needed repair items and will be responsible for their cost.

1.3 SUPERVISION BY CONTRACTOR

The contractor will supervise and direct the work. The contractor will be solely responsible for the means, methods, techniques, sequences and procedures of construction. The contractor will employ and maintain on the work site a qualified supervisor or superintendent who shall have been designated in writing by the contractor as the contractor's representative at the site. The supervisor shall have full authority to act on behalf of the contractor and all communications given to the supervisor shall be as binding as if given to the contractor. The supervisor shall be present on the site at all times as required to perform adequate supervision and coordination of the work.

The contractor shall provide the Town with a list of emergency contacts (names and numbers) that can be reached twenty-four (24) hours a day and seven (7) days a week in case of emergencies (such as service leaks, main breaks, pump station problems, etc.). The contractor will be responsible for correcting any such problems until the guarantee period specified in Section 1.7 has expired.

1.4 INSURANCE

The contractor shall purchase and maintain such insurance as will protect them from claims which may arise out of or result from the contractor's execution of the work, whether such execution be by the contractor or by any subcontractor or by anyone for whose acts any of them may be liable.

Unless otherwise specified in the contract documents, the minimum insurance requirements provided in Appendix A shall apply.

1.5 CONTRACT SECURITY

The contractor shall furnish the Town with a Performance Bond and a Payment Bond in penal sums equal to the project cost, conditioned upon the performance by the contractor of all undertakings, covenants, terms, conditions and agreements. Such bonds shall be executed by the contractor and a corporate surety company licensed to transact such business in the Commonwealth of Massachusetts. The expense of these bonds shall be borne by the contractor.

If at any time a surety on any such bond is declared bankrupt or loses its right to do business in the Commonwealth, the contractor shall, within ten (10) days after notice from the Town to do so, substitute an acceptable bond (or bonds) in such form and sum and signed by such other surety or sureties as may be satisfactory to the Town. The premiums on such bond shall be paid by the contractor.

1.6 INDEMNIFICATION

The contractor will indemnify and hold harmless the Town, its agents and employees from and against all claims, damages, losses and expenses including attorney's fees provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including or in part by any negligent or willful act or omission of the contractor, and subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

In any and all claims against the Town or its agents or employees, by any employee of the contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be

liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the contractor or any subcontractor under Workmen's Compensation Acts, Disability Benefit Acts or other Employee Benefits Acts.

1.7 GUARANTEE

The contractor shall guarantee all materials and equipment furnished and work performed for a period of one (1) year from the date of substantial completion (date of substantial completion shall be defined as the date of acceptance by the Town). The contractor shall warrant and guarantee for a period of one (1) year from the date of substantial completion of the system that the completed system is free from all defects due to faulty materials or workmanship and the contractor shall promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other parts of the system resulting from such defects. The Town will give notice of observed defects with reasonable promptness. In the event that the contractor should fail to make such repairs, adjustments or other work that may be made necessary by such defects, the Town may do so and charge the contractor the cost thereby incurred. The Performance Bond shall remain in full force and effect through the guarantee period.

1.8 INSPECTION AND TESTING

All materials and equipment used in the construction of the project shall be subject to adequate inspection and testing in accordance with generally accepted standards and as specified herein. The Department of Public Works will provide an inspector on the job at all times. All costs associated with the inspection will be billed to the contractor and shall be paid by the contractor within thirty (30) days.

The Town will at all times have access to the work. In addition, authorized representatives and agents of any participating agencies shall be permitted to inspect all work.

A pre-construction meeting with the Town and the contractor shall be held before material is ordered or work begins.

If any work is covered prior to inspection by the Town or contrary to the written instructions of the Town, it must, if requested by the Town, be uncovered for observation and restored at the contractor's expense.

1.9 EXTENSIONS

Whenever a water main extension has been constructed into a public or private way, upon satisfactory completion of inspection and testing, said extension shall be available for use or further extension by the public.

1.10 NEW SERVICES

When property is developed on streets where there are existing water lines but no service connection to the property, the person developing the property is responsible for all costs for water service installation from the new building to the existing water main.

1.11 RECORD DRAWINGS (AS-BUILTS)

The contractor shall be responsible for obtaining all data for the Record Drawings. The contractor shall submit Record Drawings of all water main construction. Record Drawings shall show forty (40) scale plan views and shall be prepared on standard size mylar sheets, 24 x 36 inches in size and also provided in electronic CAD files in a format specified by the DPW. Record Drawings shall be prepared by a Registered Professional Engineer and, at a minimum, shall show a plan view, with accurate locations of public water main, corporations, service pipe, fittings, valves and hydrants. A minimum of 3 ties shall be provided to all corporations, valves, curb stops (or service line), tees and all bends of 11 ¼° or more, taken to permanent existing features, and including the depth to the top of the water main.

Record Drawings shall indicate all approved changes from the original drawings. Changes shall be shown by drawing a single line through the value changed and indicating the "as-built" value in a revision "cloud" to highlight the change.

1.12 RULES AND REGULATIONS

The use of fire hydrants, town and private, is restricted to members of the Fire Department of the Town of Uxbridge and employees of the Department of Public Works.

Other persons may use the fire hydrants only with specific permission from the Department of Public Works.

No person shall operate any valve or curb stop without specific permission from the Department of Public Works.

No person shall uncover or make any connections with or opening unto, use or alter, or disturb any public water main or water service or appurtenance thereof, without first obtaining written permission from the Department of Public Works.

Penalties and fines shall be assessed based on a schedule established by the Board of Selectmen and attached hereto as Appendix B.

Service pipes in the public way shall be installed by the Town of Uxbridge, Department of Public Works or a contractor approved by the DPW and all costs shall be paid by the property owner or the contractor. Service lines installed on private property shall be paid for by the property owner or contractor and may be installed by the Department of Public Works or by a private contractor subject to the requirements of the Department of Public Works. The Town will only be responsible for the repair of service lines in the public way, unless in the case of an emergency. In an emergency, the Town may do any repair work on private property and all costs and expenses shall be borne by the individual property owner. The property owner will be given the option to hire a private contractor to complete the repair or accept responsibility for payment of costs to the Town.

The Town may be required and shall have the right to temporarily discontinue the water supply to make repairs, changes or connections to its mains and other equipment. It will use reasonable effort to notify the customer in advance of such discontinuance of service, but it will not be liable for any damage or inconvenience suffered by the customer because of such discontinuance of service or because of failure to notify the customer in advance of its need to discontinue service.

The Town does not guarantee constant pressure or uninterrupted service, nor does it assure the customer either a full volume of water or the required pressure per square inch necessary to effectively operate elevators, sprinkler systems, or other appliances. The same being subject to all the variable conditions that may take place in the use of water from the Town mains.

No customer shall be entitled to damages or payment refunded for any interruption of service occasioned either by accident to any portion of the water system or by the stoppage or shortage of supplied water due to the causes beyond the control of the Department of Public Works or the Town, such as excessive drought, excessive use of or waste of water by other customers, or by leaks or defects in the pipes or appliances owned by the customer or other customers.

The Town will not be responsible for damages caused by dirty water resulting from the opening or closing of any valve for repairs and the use of any hydrants or the breaking of any structures. The Town will take precautions that will minimize potential damages when water system valves and hydrants are operated.

Customers having boilers or any attachments or equipment on their premises depending upon the pressure, quantity or quality of the water in the Town's mains are cautioned against the danger of collapse of boilers or other damage to their equipment as all such damage must be borne exclusively by the customer.

The Town shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fire or any other emergencies and may restrict or regulate the quantity of water used by its customers in case of scarcity or whenever the public welfare may require it.

Service may be discontinued for any one of the following reasons:

- a. Use of water for purposes other than described in the application;
- b. Misrepresentation in application;
- c. Willful waste of water;
- d. Unauthorized use, operation, modification or tampering with Town property including gates, valves, hydrants or meters;
- e. For vacancy;
- f. Non-payment of bills when due;
- g. For cross-connecting the Town service pipe with any other supply source without appropriate backflow protection devices; or
- h. Refusal of reasonable access to property.

In the case of vacancy of a customer's property, the customer must notify the Town in writing of such vacancy, and upon failure to do so, will become responsible for any damage either to their own property or to the property of the Town, arising from such failure to notify the Town. Owners of a premises shall notify the Town of the change in ownership; until the Town is so notified of such change in ownership, the owner of record will be held responsible for all unpaid bills.

SECTION 2 CONSTRUCTION

2.1 WORK IN PUBLIC WAYS

The contractor shall be required to obtain a Highway Opening Permit prior to any excavations within a public way. All work within the public way shall be conducted in accordance with the Uxbridge Department of Public Works Standards for Utility Cuts. The contractor shall supply all needed manpower, equipment and supplies for completion of job.

2.2 PROTECTION OF UNDERGROUND STRUCTURES

All existing gas pipes, conduits, water pipes, sewers, drains or other structures which are uncovered by the excavation shall be carefully supported and protected from injury by the contractor, and if injured or removed, they shall be restored by the contractor with identical or superior material to the satisfaction of the Department of Public Works.

The contractor shall provide suitable temporary channels for the flow of all water courses and shall hold the Town harmless against all claims for damages growing out of obstruction to the flow in sewers, drains or gutters, or because of injury to gas, water or other pipes or conduits to the owners of such pipes or fixtures. Whenever it becomes necessary to change the location of any water pipe, sewer, drain or other structure uncovered by the excavation, the contractor shall do the whole or such portions by making such changes as the Town may direct at the contractor's expense.

2.3 CONNECTIONS TO EXISTING MAINS

Connections which require the extension from the end of an existing main shall be completed by removing the existing plug or end cap and inserting a new valve before installing the new main.

Connections along an existing main shall be completed by "cutting in" a new "tee" and installing new valves on each leg of the tee. Prior to any cutting, the Water Division of the Department of Public Works shall be contacted to shut down the main and observe the contractor while the contractor drains the main.

The use of tapping sleeves may be allowed with prior approval from the Department of Public Works if the Department of Public Works determines that tapping sleeves are in the best interest of the Town.

2.4 PIPE LAYING

All roads and easements, through which water main is to be laid, shall be excavated to the proposed sub-grade elevation before water main construction starts.

Trenches shall be excavated to a width sufficient to allow for proper compaction of the backfill adjacent to the water main. Trenches shall be excavated to a level grade not more than 6 feet below the proposed finish grade, measured at the centerline of the pipe and providing a minimum depth of cover of 4 feet. At pipe joints, additional width and depth shall be excavated to permit proper installation and inspection of the completed joint.

Pipe shall be carefully laid to the lines and grades as shown on the plans submitted. The pipe barrel, and not the joints, shall be provided with an even bearing surface for its full length.

All pipe is to be laid in accordance with AWWA Standards and according to all manufacturers requirements. Should the material at grade prove unsatisfactory for a suitable foundation, additional depth must be excavated and refilled with acceptable material. Acceptable material for the pipe foundation or bearing surface (pipe bedding) shall be sand, select granular material or well-graded gravel.

Bedding material shall be carefully laid to grade and bedding carried half way up pipe barrel, to the full width of the trench. Bedding material shall be carefully and lightly tamped under pipe to provide uniform support. The remainder

of the backfill, up to a minimum depth of 12 inches over the top of the pipe, shall be made of processed or well-graded gravel material carefully compacted in layers as placed.

2.5 THRUST BLOCKS

Thrust blocks shall be placed at all tees, bends, caps, plugs, hydrants or other fittings that change direction. Thrust blocks shall be pre-cast concrete or boulders at least 1 cubic yard in size. Thrust blocks shall be placed in contact with the fitting, not the pipe itself or the joint, and shall rest against undisturbed soil for proper bearing.

2.6 BACKFILLING

The trenches and other excavations shall be backfilled, unless otherwise directed by the Town, as soon as the laying of the pipe and inspection by the Town is complete. Backfill, to a minimum depth of 12 inches over the top of the pipe, shall be of selected material as specified above. The remainder of the trench, above an elevation 12 inches higher than the top of the pipes, shall be backfilled with either flowable fill (on heavily traveled roads) or selected material, thoroughly tamped with mechanical rammers or vibrators in layers not exceeding 1 foot in depth. No rock greater than 6 inches will be permitted in backfilling until there is at least 2 feet of suitable earth fill over the main, and no rock fragment weighing more than 100 pounds will be used for refilling trenches. In depositing rock, care shall be taken that no injury is caused to the main or other components.

When, in the opinion of the Town, the backfilling at elevations higher than 1 foot above crown of pipe can be compacted in a suitable manner by flooding, jetting or puddling with water, the contractor will be permitted to do so.

In trenches within street surfaces, the top 18 inches of trench backfill shall be a road base processed gravel, approved by the Town, placed during backfilling operation. Gravel shall be placed, compacted, graded and treated with calcium chloride to maintain the surface until the resurfacing is placed.

Specifications for resurfacing shall conform to the Uxbridge Department of Public Works Standards for Utility Cuts.

2.7 FLUSHING

After laying of the pipe is completed, the Department of Public Works shall be notified to operate the valves necessary to slowly fill the pipe with water. Means shall be provided by the contractor, either by hydrants or corporation stops, to allow any air in the pipe to be expelled during the filling operation. When the line appears full of water and that the air has been expelled, the line may be flushed for several minutes to remove any sediments or other foreign material that may be present due to construction operations.

Following flushing, any discharge points shall be closed and the Department of Public Works will slowly close the valve(s) to the new line. The new line should set for twenty-four hours to allow the joints and cement lining to set-up before any testing begins.

2.8 TESTING

A pressure test shall be conducted by the contractor and at his expense, on all water pipe installed. The test shall be conducted only after the backfilling and compaction operation has been completed, and the test shall be made under the observation of the Department of Public Works.

When the water line being tested has been filled and has set for twenty-four hours, additional water may be added to compensate for any lost in the twenty-four hours. With the valve still open and all discharges closed, the static pressure in the new line will be determined. The valve to the new line will then be closed and the test may start. A pump shall be used to increase the pressure in the new line to 150 psi or 1.5 times the static pressure, whichever is greater. The pump shall include a pressure gauge to measure the pressure in the line during the test. The duration of the test shall be not less than 2 hours. Any loss of pressure would indicate leakage and a loss of pressure of more than 10 psi per 1,000 feet will be cause for a failed test. At the conclusion of the test, additional water will be pumped into the line until the pressure is equal to the pressure at the start of the test; the amount of this additional water will be carefully measured in order to calculate the leakage during the test. This calculation will be compared to the allowable leakage found in the attached American Water Works Association table to determine if the test is acceptable. Certified copies of the test report from the independent testing company shall be forwarded to the Department of Public Works.

2.9 CHLORINATING AND WATER QUALITY TESTING

Following completion of a successful pressure test, new mains shall be chlorinated for disinfection. Chlorine shall be introduced into the main and shall remain in the main at least twenty-four hours before a water quality sample is taken. The water quality sample shall be submitted for bacteriological analysis at a state certified lab and will be considered acceptable if negative coliform test results are obtained. If positive coliform results are received, the main shall be rechlorinated and tested again for water quality.

Following receipt of acceptable water quality test results, the main shall be flushed thoroughly to remove residual chlorine.

Certified copies of acceptable water quality test results shall be provided to the Department of Public Works.

2.10 HOUSE SERVICE CONNECTIONS

House service connections should be made only after a new main has obtained acceptable results for pressure testing and water quality testing.

Water service pipe or water mains shall not be installed within a minimum horizontal distance of 10 feet from any sanitary sewer main or house connection nor 15 feet from any cesspool or leaching pit. No water service pipe will be allowed to cross a sewer service. The contractor or property owner is required to mark out the sewer service or septic system prior to inspection of the water service by the Department of Public Works. The DPW may require a drawing or plan prepared by a Land Surveyor licensed in the Commonwealth of Massachusetts to detail the layout of water and sewer services and show compliance with required separations.

Dead-end sections of water mains will require looped connections where feasible.

House service connections shall be constructed from the water main to the sideline of the street layout, one connection for each house or vacant lot, as directed by the Town. Connection to water main shall be made with a 1-inch brass corporation stop and 1-inch polypropylene tubing shall be placed between the corporation stop and the curb stop at the sideline of the street layout. The 1-inch polypropylene service line shall continue from the curb stop into the building.

A tracing wire or marking tape, capable of being detected by a metal detector, shall be installed approximately 12 inches above all plastic service lines.

Service lines shall be laid on clean sand bedding that is placed to a depth of 6 inches. Completed service lines must be inspected by the Department of Public Works following twenty-four hour notice and before backfilling. Following Department of Public Works inspection, another 6 inches of clean sand shall be placed above the service line. The remainder of backfill shall be carefully placed so as not to cause any damage to the service line. No stones, debris or foreign material that is greater than 6 inches in diameter shall be used for backfill. Trenches excavated in roadways or sidewalks shall be backfilled and resurfaced in accordance with Department of Public Works Standards for Utility Cuts.

All service lines shall be installed through the wall. Service lines proposed to be installed under garage or cellar floors shall be approved by the DPW prior to the start of any work.

SECTION 3 MATERIALS

3.1 SUBMITTALS

The material requirements specified herein are provided to detail minimum standards for material construction and quality. References to specific manufacturers are provided to establish minimum levels of quality and are not intended as endorsements of any particular manufacturer.

Contractors or property owners will be responsible to provide submittals to the Department of Public Works to demonstrate compliance with the material requirements specified herein. Submittals shall include manufacturer's literature, catalog cuts, manufacturer's data, specifications, drawings and similar documentation. The submittals shall identify the manufacturer and the model number intended for use in the project. Submittals shall be provided for each of the materials listed below.

3.2 PIPE

Pipe for public water mains shall be Ductile Iron (D.I.), push-on joint, meeting the requirements of ANSI A21.51-81 (AWWA C151-81), or latest revision thereto, thickness Class 52, and as follows:

8" 0.33 inch wall thickness
10" 0.35 inch wall thickness
12" 0.37 inch wall thickness
14" 0.39 inch wall thickness
16" 0.40 inch wall thickness

Pipe joint shall be rubber ring, push-on style, meeting the requirements of ANSI A21.11-80 (AWWA C111-80), or latest revision thereto.

Pipe and fittings shall be tar coated and double cement lined, 1/8-inch minimum thickness and meeting the requirements of ANSI A21.4-80 (AWWA C104-80), or latest revision thereto.

3.3 FITTINGS

Fittings shall be short body mechanical joint, all bell, Ductile Iron, minimum pressure rating of 350 psi, meeting the requirements of ANSI A21.10-82 (AWWA C110-82), or latest revision thereto. Fitting joint shall also meet the requirements of ANSI A21.11-80 (AWWA C111-80) or latest revision thereto.

Retainer glands shall be cast of high strength Ductile Iron and fitted with Ductile Iron wedging devices and twist off pressure nuts. All joints from and including the main line tee to the hydrant shall be equipped with retainer glands. All bends and dead ends shall also be equipped with retainer glands.

Transition couplings shall be cast iron compression joint type, rated at 150 psi working pressure, with corrosion resistant bolts and shop coated.

Dresser couplings are not allowed on mains; use solid sleeves only.

3.4 VALVES

Valves 6 inches to 10 inches shall be Ductile Iron body, resilient seat gate valves, American Water Works Association specification valves, for 200 pound working pressure, as manufactured by the M&H Valve Co., Styles 3067-NRS or equal. All valves shall be mechanical joint and shall open "RIGHT".

Valves 12 inches or greater in size shall be high strength Cast Iron body, mechanical joint butterfly valves with stainless steel body seat and mechanically secured rubber seat, for 150 to 200 pounds working pressure, as manufactured by M&H Valve Co., Model 450 and 4500 or equal. All valves shall be mechanical joint and shall open "RIGHT".

3.5 VALVE BOXES

Valve boxes shall be heavy duty Cast Iron, 5-1/4 inch diameter, two piece, sliding type with covers marked "WATER".

3.6 HYDRANTS

Hydrants shall be 6 inch mechanical joint Cast Iron with 5 feet "bury" (5'-6" trench depth) with 2-2 1/2" standard thread hose connection and 1-4 1/2" standard thread pumper connection. Hydrants shall be compression type, as manufactured by the M&H Valve Co., Style 929 "Reliant" open "RIGHT". Hydrants shall be provided with drains and installation shall include clean, crushed stone around the drain to allow self-draining following use. Hydrants shall include a breakaway flange installed within 2 inches of finish grade.

Hydrant extensions, when required, shall be paid for and installed by contractor to the Department of Public Works satisfaction.

3.7 CORPORATION STOPS

Corporation stops shall be as manufactured by Ford Model F-1000- 1" or approved equal.

3.8 PIPE FOR SERVICES

All service pipes to house shall have a minimum cover of at least 5 feet. All new service pipes shall not be less than 1 inch inside diameter for single residences and shall be plastic tubing with a pressure rating of 200 psi, unless otherwise required by the Department of Public Works.

Service pipes shall not be laid in the same trench with gas pipes, sewer pipe or any other facility of a public service company nor within 3 feet of any open excavation or vault.

3.9 CURB STOPS

Curb-stops shall be manufactured by the Ford, or approved equal.

3.10 BALL VALVES

Ball valves (2 inches and smaller) shall be Watts Series FBV, full port, threaded end, bronze body, brass ball and brass stem or approved equal. Valve shall be pressure rated at 600 psi WOG, 125 psi saturated steam.

3.11 CHECK VALVES

Check valves (2 inches and smaller) shall be as manufactured by Ford, Model HHC11-333, straight cartridge, and dual check valve or approved equal.

3.12 METERS

Meters shall be Uxbridge Standard Meters (Badger Model #25), 5/8" x 3/4" with cast iron frost plate bottom and plastic top with outside reader.

SECTION 4 METERS

All water use shall be metered. All meters shall be supplied and owned by the Town of Uxbridge and shall be sealed to prevent tampering. The Water Division shall read and maintain all meters. If additional meters are allowed, fees, in addition to the System Development Charge, will be assessed for the use and maintenance of same.

When the supply of water through a service is covered by a single meter, the Division will read and maintain this meter. If additional or auxiliary meters are warranted, additional fees will be assessed for maintaining same.

The authorized agents of the Town shall have the right of access at all reasonable hours to the premises supplied with water for the purpose of reading meters, examining fixtures and pipes, observing manner of using water and for any other purpose which is proper and necessary in the conduct of the Water Division business.

The Water Division will have the right to remove, repair or replace any meter at any time it deems fit. It shall be the duty of all consumers to see that meters on service connections, where ever located, shall be readily accessible at all times to the Water Division.

On every new service pipe immediately after entering into the building, there shall be installed the following equipment in the following order: an approved ball valve, an approved check valve, an approved meter and an approved check valve.

All dwelling units shall be a separate service from curbstop to meter.

The meters shall be sized for the intended use, and approved by the Water Division. A external type of register is required, mounted on exterior of building, in an accessible location approved by the Water Division.

The customer shall permit no one except an employee of the Water Division or their authorized agent to inspect or service the meter or other property of the Water Division on their premises. No one is to tamper with the meter. The customer shall notify the Town as soon as it comes to their knowledge of any damage to, or any stoppage in

registration of the meter. Any violation of this section shall be punishable by a fine established by the Board of Selectmen and attached hereto as Appendix B.

The contractor or customer shall be responsible for protection of the meter immediately following installation by the Water Division. The meter shall be protected from damage due to construction activities, vandalism, freezing, etc. Costs associated with replacement of a damaged meter shall be the responsibility of the contractor or owner.

SECTION 5 ASSESSMENTS

5.1 WATER CONNECTION/INSPECTION FEE

Any person connecting a water service to the municipal water system shall file an application with the Department of Public Works. A connection/inspection fee shall be paid to the Town at the time of application to cover the costs for the Town to inspect the installation of the service line from the main into the foundation (prior to backfill).

All costs for labor, materials and supplies to install the service line are the responsibility of the property owner. The Town will supply water meters for single family dwellings and duplexes as specified in Section 4, however, labor costs for installation and costs for incidental materials (such as valves and fittings) are the responsibility of the property owner.

5.2 SYSTEM DEVELOPMENT CHARGE

The System Development Charge is a fee to compensate the Town of Uxbridge for the consumption of system capacity. The amount of the System Development Charge shall be established by the Board of Selectmen. This fee shall be paid at the time of application.

5.3 CHARGES AND RATES

Consumers of water will be charged with and held responsible for all water passing through their service pipe until such time as they shall notify the Water Division, in writing, they no longer desire the use of water. In case of the sale of property, such notice shall include the name and address of the new owner.

All cost and expenses incidental to the installation, connection and repairs of the water service, from the curb stop to the meter, shall be borne by the owner.

When an existing service is enlarged, only the difference between the charge for the new service connection and the charge that was collected or would have been collected shall apply.

In the case of multiple dwellings, buildings or services, the System Development Charge shall apply to each separately metered service.

There shall be a fixed schedule of prices and rates established by the Board of Selectmen in accordance with MGL C41 S69B and Article 27, and Article 27, Annual Town Meeting, June 16, 1981. Said rates shall include user fees, system development charges, equipment and labor rates, etc.

5.4 PENALTIES

Any person found to be violating any provision of these standards shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of standards shall become liable to the Town of any expense, loss, or damage occasioned by the Town by reason of such violation.

SECTION 6 VALIDITY

The invalidity of any section, clause, sentence, or provision of these standards shall not affect the validity of any other part of these standards which can be given effect without such invalid part or parts.

INSURANCE REQUIREMENTS

1. **Insurance:** It is the responsibility of the Vendor to provide the Town with a Certificate of Insurance showing insurance coverage for General Liability, automobile and Workmen's Compensation (Statutory). It is the Vendor's responsibility to purchase and maintain adequate insurance to protect the Vendor and the Town from all claims as follows:

- The Liability Policy should be Broad Form and include coverage for Premises and Operations and Product Liability.

- The Comprehensive Automobile Liability Insurance should be written to include owned, hired and non-owned vehicles and it shall provide Extra Territorial Coverage.

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APPENDIX B
PENALTIES AND FINES

<u>OFFENSE</u>	<u>PENALTY / FINE</u>
Unauthorized operation of valve or curb stop	\$100 per offense
Unauthorized connection to the water system	\$300 per offense
Unauthorized use/operation of a hydrant	\$100 per offense
Meter tampering	\$100 per offense

MINIMUM STANDARDS FOR SEWER CONSTRUCTION AND RELATED REGULATIONS

SECTION 1 GENERAL

1.1 GENERAL

The Contractor shall furnish all boundary surveys and establish all baselines for locating the principal component parts of the work together with a suitable number of bench marks adjacent to the work. The Contractor shall develop and make all detail surveys needed for construction such as slope stakes, batter boards, stakes for pile locations and other working points, lines, evaluations and cut sheets. Plans and profiles shall be 1"=4' vertical scale.

The Contractor shall provide three (3) copies of design plans and documents to the Department of Public Works for approval. No changes to approved plans will be permitted without prior written approval of the Department of Public Works. Following the completion of construction and prior to acceptance by the Town, the Contractor shall furnish three (3) copies of as built drawings to the Dept. of Public Works which shall indicate any deviations from the original plans and specifications.

The contractor shall carefully preserve bench marks, reference points and stakes and, in case of willful or careless destruction, shall be charged with the resulting expense and shall be responsible for any mistakes that may be caused by their unnecessary loss or disturbance.

Permits and licenses necessary for the prosecution of the work shall be secured and paid for by the Contractor. Permits, licenses and easements for facilities shall be secured and paid for by the Contractor, unless otherwise specified. The Contractor shall give all notices and comply with all laws, ordinances, rules and regulations.

Installations of sewers in the public way shall be prohibited between the dates of November 15th and March 15th unless extenuating circumstances exist and written approval is provided by the Department of Public Works.

The Contractor shall be required to obtain a Highway Opening Permit prior to any excavations within a public way. All work within the public way shall be conducted in accordance with the Department of Public Works Standards for Utility Cuts.

1.2 PROTECTION OF WORK, PROPERTY AND PERSONS

The Contractor will be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The contractor will take all necessary protection to prevent damage, injury or loss to all employees on the work and other persons who may be affected thereby, all the work and materials or equipment to be incorporated therein, whether in storage on or off the site, and other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.

The Contractor will comply with all applicable laws, ordinances, rules, regulations and orders or any public body having jurisdiction. The Contractor will erect and maintain, as required by the conditions and progress of the work, all necessary safeguards for safety and protection. The Contractor will notify owners of adjacent utilities when a prosecution of the work may affect them. The Contractor will remedy all damage, injury or loss to any property caused, directly or indirectly, in whole or in part, by the Contractor, any subcontractor or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

1.3 SUPERVISION BY CONTRACTOR

The Contractor will supervise and direct the work. The Contractor will be solely responsible for the means, methods, techniques, sequences and procedures of construction. The Contractor will employ and maintain on the work site a qualified supervisor or superintendent who shall have been designated in writing by the Contractor as the Contractor's representative at the site. The Supervisor shall have full authority to act on behalf of the Contractor and all communications given to the supervisor shall be as binding as if given to the Contractor. The supervisor shall be present on the site at all times as required to perform adequate supervision and coordination of the work.

1.4 INSURANCE

The Contractor shall purchase and maintain such insurances as will protect him from claims which may arise out of or result from the Contractor's execution of the work, whether such execution be by the Contractor or by any subcontractor or by anyone for whose acts any of them may be liable.

Certificates of Insurance acceptable to the Town shall be filed with the Town prior to commencement of the work. These certificates shall contain a provision that coverage afforded under the policies will not be canceled unless at least fifteen (15) days prior written notice has been given to the Town.

The Contractor shall procure and maintain, at his own expense, during the contract time, liability insurance as deemed adequate by the Department of Public Works.

1.5 CONTRACT SECURITY

The Contractor shall furnish the Town with a Performance Bond and a Payment Bond in penal sums equal to the project cost, conditioned upon the performance by the Contractor of all undertakings, covenants, terms, conditions and agreements. Such bonds shall be executed by the Contractor and a corporate surety company licensed to transact such business in the Commonwealth of Massachusetts. The expense of these bonds shall be borne by the Contractor. If at any time a surety on any such bond is declared bankrupt or loses its right to do business in the Commonwealth, the Contractor shall, within ten (10) days after notice from the Town to do so, substitute an acceptable bond (or bonds) in such form and sum and signed by such other surety or sureties as may be satisfactory to the Town. The premiums on such bond shall be paid by the Contractor.

1.6 INDEMNIFICATION

The Contractor will indemnify and hold harmless the Town, its agents and employees from and against all claims, damages, losses and expenses including attorney's fees provided that any such claims, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including or in part by any negligent or willful act or omission of the Contractor, and subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

In any and all claims against the Town or its agents or employees, by any employee of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or any subcontractor under Workmen's compensation acts, disability benefit acts or other employee benefits acts.

1.7 GUARANTY

The Contractor shall guaranty all materials and equipment furnished and work performed for a period of one (1) year from the date of substantial completion (date of substantial completion shall be defined as the date of acceptance by the Town). The Contractor shall warrant and guarantee for a period of one (1) year from the date of substantial completion of the system that the completed system is free from a defects due to faulty materials or workmanship and the Contractor shall promptly make such corrections as may be necessary by reason of such defects including the repairs of any damage to other parts of the system resulting from such defects. The Town will give notice of observed defects with reasonable promptness. In the event that the contractor should fail to make such repairs, adjustments or other work that may be made necessary by such defects, the Town may do so and charge the Contractor the cost thereby incurred. The Performance Bond shall remain in full force and effect through the guarantee period.

1.8 INSPECTION AND TESTING

All materials and equipment used in the construction of the project shall be subject to adequate inspection and testing in accordance with generally accepted standards and as specified herein. The Department of Public Works will provide an inspector on the job at all times. All costs associated with the inspection will be billed to the Contractor and shall be paid by the Contractor within thirty (30) days.

The Town will at all times have access to the work. In addition, authorized representatives and agents of any participating agencies shall be permitted to inspect all work.

If any work is covered prior to inspection by the Town or contrary to the written instructions of the Town it must, if requested by the Town, be uncovered for observation and restored at the Contractor's expense.

1.9 EXTENSIONS

Whenever a sewer extension has been constructed into a public or private way, upon satisfactory completion of inspection and testing, said extension shall be available for use or further extension by the public.

1.10 NEW SERVICES

When property is developed on streets where there are existing sewer lines but no service connection to the property, the person developing the property is responsible for all costs for sewer installation from the new building to the existing sewer main, including the actual tap and saddle. Requirements for the tap and saddle may be obtained from the Sewer Division of the DPW.

1.11 RECORD DRAWINGS (AS-BUILTS)

The Contractor shall be responsible for obtaining all data for the Record Drawings. The Contractor shall submit Record Drawings of all sewer main construction. Record Drawings shall show 40 scale plan views and shall be prepared on standard size Mylar sheets, 24 x 36 inches in size. Record drawings shall be prepared by a registered professional engineer and, at a minimum, shall show a plan view, with accurate locations of public sewer main, lateral connections and manholes, including all invert elevations. A minimum of three (3) ties shall be provided to all sewer laterals at the property line, taken to permanent existing features, and including the depth to the top of the pipe.

Record Drawings shall indicate all approved changes from the original drawings. Changes shall be shown by drawing a single line through the value changed and indicating the "as-built" value in a revision "cloud" to highlight the change.

SECTION 2 CONSTRUCTION

2.1 PROTECTION OF UNDERGROUND STRUCTURES

All existing gas pipes, conduits, water pipes, sewers, drains or other structures which are uncovered by the excavation shall be carefully supported and protected from injury by the Contractor, and if injured or removed, they shall be restored by the Contractor with identical material.

2.2 PIPE LAYING

Pipe shall be carefully laid to the lines and grades as shown on the plans submitted. The Contractor shall provide laser beam aligning equipment for use in pipe laying.

All pipe is to be laid on a good foundation and first class construction methods must be followed by the Contractor to prevent settlement. Should the material at grade prove unsatisfactory for a suitable foundation, additional depth must be excavated and refilled with acceptable material.

In general, the bottom of the trench shall be excavated to a flat grade, 4 inches below the pipe invert for trenches in earth and 6 inches below the pipe invert for trenches in rock. Crushed stone or pea gravel bedding shall be placed and compacted to form a stable base for pipe. Pipe shall be laid to grade and bedding carried half way up pipe barrel, to the full width of the trench. Bedding material shall be carefully laid to grade and bedding carried half way up pipe barrel, to the full width of the trench. Bedding material shall be carefully and lightly tamped under pipe to provide uniform support. The granular bedding material shall be crushed stone which will pass $\frac{3}{4}$ inch sieve but will be retained on #4, or equal material approved by the Town. The remainder of the backfill up to a minimum depth of 12 inches over the top of the pipe shall be made of processed gravel material carefully compacted in layers as placed.

2.3 BACKFILLING

The trenches and other excavating shall be backfilled, unless otherwise directed by the Town, as soon as the laying of the pipe or the completion of other structures will permit. The area below the pipe and extending half way up the pipe barrel or both sides shall be backfilled with crushed stone as specified and thoroughly tamped by light tampers as placed. The remainder of the side fill to a minimum depth of twelve (12) inches over the top of the pipe shall be of selected material approved by the Town, carefully compacted in layers as placed, and, if necessary, suitable material shall be moved from other sections of the work for this purpose. The remainder of the trench above an elevation twelve (12) inches higher than the top of the pipes shall be backfilled with selected material, thoroughly tamped with

mechanical rammers or vibrators in layers not exceeding one (1) foot in depth. No rock will be permitted in backfilling until there is at least two (2) feet of suitable earth fill over the sewer, and no fragment weighing more than 100 pounds will be used for refilling trenches. In depositing rock, care shall be taken that no injury is caused to the sewer or other structures. All voids in rock backfill must be completely filled with earth.

When, in the opinion of the Town, the backfilling at elevations higher than one (1) foot above crown of pipe can be compacted in a suitable manner by flooding, jetting or puddling with water, the Contractor will be permitted to do so.

In trenches within street surfaces, the top 18 inches of trench backfill shall be a road base quality gravel, approved by the Town, placed during backfilling operation, and obtained from trench excavated material if possible. Bank gravel shall consist of inert material that is hard durable stone and coarse sand, free from loam, clay or surface coatings. The trench backfill shall be thoroughly compacted, carried to about 18 inches below the surface, and the trench puddle to induce settlement with jet pipes or as otherwise approved by the Town. Gravel then shall be placed, compacted, graded and treated with calcium chloride to maintain the surface until the resurfacing is placed.

Specifications for resurfacing shall conform to the Town of Uxbridge Highway Division specifications.

2.4 HOUSE SERVICE CONNECTIONS

House service connections shall be constructed from the main sewer to the sideline of the street layout, generally one connection for each house or vacant lot, as directed by the Town. Connection to main sewer pipe shall be made with a PVC wye, made by the same manufacturer as the main pipe, and of the same class.

House service connections that exceed 100 feet in length shall include a cleanout extended to 6" below grade with a removable end cap.

End caps shall be PVC and sized to match the lateral. All Service pipe and fittings shall be installed in accordance with manufacturer's instructions, or as directed by the Town and left uncovered for inspection and measurement. A 2" x 2" marker shall be placed at the property line of every connection, extending to 6" above ground service. Contractor shall take care with installation of end caps to prevent blow-offs during air testing. All houses will be brought to the inside of the sidewalk or to the property line, whichever is applicable.

2.5 CLEANING

After laying of the pipe is completed between manhole sections, the interior of the sewer pipe line shall be thoroughly cleaned from construction debris or other foreign matter and the section closed off by bulkheads at the outlet side of the manholes sufficient to prevent the wash of mud or dirt into the completed section of pipeline, and upon completion of the entire line, it shall be left free and clean of such debris and the bulkheads removed. Once cleaned, all lines shall be mandrelled to ensure roundness.

2.6 TESTING

An air test shall be conducted by the Contractor and at his expense, on all sewer pipe installed. The test shall be conducted only after the backfilling and compaction operation has been completed, and the test shall be made under the observation of the Town. The Contractor may, at his/her option, run an air test on a line before it is completely backfilled for his own information and requirements, but the official testing shall be done after the backfilling and compaction have been completed.

The testing equipment shall meet the following requirements:

- a. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
- b. Pneumatic plug shall resist internal test pressures without requiring external bracing or blocking.
- c. All air used shall pass through a single control panel.
- d. Three individual hoses shall be used for the following connections:
 1. From panel to pneumatic plugs for inflation.

2. From panel to sealed line for introducing the low air pressure.
3. From sealed line to panel for continually monitoring the air pressure rise in the sealed line.

Other types of air testing equipment will be permitted subject to approval by the Town, and upon demonstration by the Contractor that such method can be employed safely and without damage to pipe or fittings.

Pipe shall be tested between manholes by installing pneumatic plugs in each end and inflating plugs to 25 psig. Low air pressure shall be introduced into this sealed line until the internal air pressure reaches 4 psig. greater than the average back pressure of the ground water. A period of two minutes shall be required for stabilization (3.5 psig. minimum pressure in the pipe), at which time the air supply shall be disconnected. The portion of line being tested shall be termed acceptable if the time required, in minutes, for the pressure to decrease from 3.5 psig. to 2.5 psig. (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than one (1) minute per inch of diameter.

The Contractor shall determine the average height of the ground water above the invert of the main pipe at the time of testing.

Any visible points of leakage shall be repaired in any case, and pipe lines too large for suitable testing by air shall be inspected by television inspection equipment, as may be arranged with the Town, with report submitted to the Town.

2.7 CHIMNEYS

Chimneys shall be installed when sewer mains exceed 12' in depth and as ordered by the Town, encased in reinforced concrete and carefully backfilled. Pipe bedding shall be extended to provide a base for chimney and concrete encasement shall encompass the main tee, leaving the joints exposed for flexibility. The riser pipe encasement may be formed using a sono-tube which may be left in place. A vertical hardwood 2" x 2" stake shall be placed next to the chimney, extending to within one (1) foot of the ground surface, to be used as a marker.

SECTION 3 MANHOLES

3.1 SIZE

Manholes shall be 48" I.D. for sewer mains up to 24" diameter and 60" I.D. for sewer mains 24" and larger. Transition rings may be used to reduce to 48" six (6) feet above invert.

Manholes shall be located at all angles, all termination points and no greater distance than 300'.

Frame and covers will be 24" for 48" manholes and 30" for 60" manholes.

3.2 MATERIALS

Manholes shall be constructed of reinforced precise concrete monolithic base section, barrel sections and dome section, meeting the latest applicable requirements of A.S.T.M. Spec. C478-70T, or latest revision thereto. Pipe to manhole connection shall be made with flexible rubber boot and stainless steel type connector. Joint between manhole sections shall be made with a butyl rubber compound. Red clay brick for table and invert shall be hard burned, of uniform Grade B, and subject to approval by the Superintendent. Manhole steps shall be either aluminum alloy 6-61 T6, extruded, safety type or polypropylene coated grade 60 reinforcing bar, per ASTM C-478 and OSHA (STD 1-1.9). Frame and cover shall be cast iron meeting the requirements of ASTM specifications for gray iron castings, class 20.

3.3 CONSTRUCTION

Manhole base sections shall be installed upon a compacted crushed stone sub-base, 6 inches in depth, leveled and secured. An additional depth of sub-base may be ordered by the Superintendent. Barrel and dome section shall be carefully placed upon base section, with a butyl rubber strip used as a jointing compound.

Red clay brick shall be used for frame grade adjustment and frames shall be set upon a full bed of mortar. Mortar shall also be placed around manhole flange. Completed frames and covers shall be kept ¼ inch below finished roadway surface.

For straight line manholes, the pipe shall be laid through the manhole the bottom half of the pipe forming the invert and the top half being removed. Angle or junction manholes shall have the inverts formed with red clay brick, set on edge and smoothly rounded in the direction of flow. A red clay brick table shall be constructed in all manholes, sloping toward the channel.

Aluminum or polypropylene steps shall be installed by manhole manufacturer.

All manholes shall be waterproofed at the construction site, to allow inspection of concrete, prior to installation of waterproofing compound. Any damage to the waterproofing caused by construction activities shall be repaired prior to backfilling.

Flat top slabs are permitted only where shallow manhole depths prohibit use of dome section.

Basis for entire manhole structure design shall be H-20 loading.

All drop manholes shall be of the external type and fully encased in concrete. Concrete shall be placed to provide a full base to accept the load and shall be poured vertically up to, but not including, the horizontal "Y" section.

3.4 JOINTING

The joints between the precast sections of the manholes shall be made using a flexible type sealing gasket such as Ram-neck or Kent-Seal No. 2 applied in accordance with manufacturer's instructions.

The joint between the manhole base and the sewer pipe shall be of flexible sleeve type for pipe size 12 inches and smaller, and shall be of the press wedge 11 gasket type for pipe sizes larger than 12 inch diameter. The gasket or sleeve shall be cast in the manhole base sections at the time of manufacture. Sleeve type shall be provided with stainless steel strap to clamp the sleeve to the pipe.

A pipe joint shall be installed within 24 inches of exterior wall of manhole. Other flexible types of wall to pipe joints will be permitted subject to approval by the Superintendent.

3.5 STEPS

Aluminum or polypropylene steps shall be cast in place, 12 inch on center. For aluminum steps, the portion of step embedded in concrete, plus 2 inches, shall be coated with aluminum oxide.

3.6 FRAMES AND COVERS

Frames shall be set on full bed of cement mortar and adapter rings of brick shall be used for grade adjustment. Cast iron covers shall be marked with an "S" and frame and covers shall meet the requirements of ASTM. Specification for gray iron castings, Cast Iron Class 20.

Maximum grade adjustment for frame and cover shall be one foot (1'). Frames shall be fully encased in concrete within 2" of finish grade.

All Covers to be of non-vented type.

3.7 FIELD CORING

Field coring of manholes shall not be permitted unless approved by the Town. Any approved field coring shall be completed with an appropriate coring machine. Patching of holes cast by the manufacturer or holes cored in the field that are in error and will not be used, shall be plugged solid with brick and mortar and parged with a hydraulic cement.

3.8 CONCRETE REPAIRS

Field repairs of minor concrete cracks, spalls or minor concrete defects shall be completed using hydraulic cement such as Water Plug by Thoro or Equal. Any defects considered by the Town to be of major will require replacement of the entire manhole section.

3.9 TESTING

A leakage test shall be conducted on each manhole constructed prior to use, by the Contractor, at his expense and under the observation of the Superintendent. The test shall be either an exfiltration or an infiltration test as determined by applicable conditions and as directed by the Superintendent.

If the ground water elevation is higher than 30" above pipe invert grade, the test will be an exfiltration test. The Contractor shall install water tight plugs in all pipe openings in the manhole, then fill the manhole with water to the top of the manhole dome section, and the drop in water level observed over 4 hour period, or less. If the quantity lost is less than a rate of ¼ gallon per foot of depth the test will be deemed acceptable. If this rate is exceeded, the Contractor shall make all necessary repairs to reduce the rate of exfiltration to the specified rate. All visible points of leakage shall be repaired in any case.

An infiltration test will be conducted by vacuum testing of manholes. The contractor shall install water tight plugs in all pipe openings in the manhole and install a manhole vacuum test plug in the opening of the top section of the manhole. The manhole vacuum test plug shall include an inflatable bladder and pressure gauge, a vacuum gauge and a frame to restrain the plug to the manhole. The bladder shall be inflated to 25 psi. A vacuum pump shall be used to create a vacuum of 10 inches of mercury (Hg) in the manhole, within a period of ten minutes. The vacuum pump will be disconnected when a vacuum of 10 inches of mercury is obtained within the manhole. The vacuum gauge will be observed for one minute and the test will be considered acceptable if the vacuum, after one minute, is not less than 9 inches of mercury. If more than one inch of mercury vacuum is lost, the contractor shall make all necessary repairs to reduce the rate of vacuum loss to within acceptable limits. Vacuum testing will be repeated after any required repairs are completed.

SECTION 4 PIPE

4.1 SIZE

Minimum pipe shall be not less than 8" diameter for sewer main construction and 6" diameter for house service unless otherwise approved by the Superintendent, provided that the Town may require larger diameter pipe when conditions or location require it.

Should the Town master sewerage plan show larger mains to be installed in the future than are required to serve the extensions within the limits of the subdivision not required to service said subdivision, then the Town of Uxbridge may enter into an agreement whereby the developer shall install such mains or other improvements according to such plan and that he may be compensated by the Town for differential cost incurred beyond that necessary to service the subdivision.

4.2 MATERIAL

PVC pipe manufactured to meet ASTM specification D-3034-SDR 35, shall be acceptable to depths or 20'. SDR 21 will be required over 20' depths.

4.3 INSTALLATION

Specifications for installation shall be those of the manufacturer in accordance with ASTM D2321, "Standard Recommended Practice for Underground Installation of Flexible Thermoplastic Sewer Pipe."

SECTION 5 ASSESSMENTS

5.1 SEWER PRIVILEGE FEE

Permanent sewer privilege fees shall be assessed in accordance with the Town of Uxbridge Bylaws as voted on February 20, 1979.

5.2 EXTENSIONS

Assessments shall be made to all units located on sewer extensions in the Town of Uxbridge. When these extensions are constructed and paid for by Developers or by persons other than the Town of Uxbridge, for the purpose of obtaining sewer disposal for subdivisions and/or other uses, fifty percent (50%) of all privilege fees assessed by the Town regarding properties outside of the subdivision or such, shall be deducted from the subdivision assessment fee. In no way shall the deducted fees exceed the subdivision fees to produce a negative assessment.

TOWN OF UXBRIDGE GENERAL BYLAWS

SECTION I PRELIMINARY PROVISIONS

Subsection A: TITLE

The following provisions shall constitute the Revised By-Laws of the Town of Uxbridge, all previous by-laws inconsistent with the by-laws hereinafter contained are hereby expressly repealed, excepting Zoning By-Laws of the Town of Uxbridge as approved by the Attorney General on October 24, 1957. If any Article, Section or Subsection of any Article of these Revised By-Laws is declared unconstitutional or illegal by any state authority, having jurisdiction thereof, the validity of the remaining provisions of these Revised By-Laws shall not be affected thereby.

Subsection B: EFFECT OF REPEAL

The repeal of a by-law shall not thereby have the effect of reviving any by-law thereto before repealed.

Subsection C: EFFECT OF CHANGE OF TITLE OF BOARDS

Words and phrases specifying or naming any officer, board, or committee of the Town, shall be construed as including the lawful successor, or the person having the powers and performing the duties of such officer, board, or committee.

Subsection D: POWER TO LICENSE

When in a by-law anything is prohibited from being done without the license or permission of a certain officer, board, or committee, such officer, board, or committee shall have the right to license or to permit such things to be done.

Subsection E: MANNER OF ADOPTION/AMENDMENT AND REPEAL OF BYLAWS

Any or all of these by-laws may be repealed or amended or other by-laws may be adopted by a two-thirds vote at any Town meeting whenever an article or articles for that purpose have been inserted in the warrant for such meeting by the Board of Selectmen.

Subsection F: PENALTY FOR VIOLATION OF THESE BY-LAWS

Whoever violates any provisions of these by-laws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding twenty dollars (\$20.00).

SECTION II TOWN MEETINGS

Subsection A: DATE OF ANNUAL TOWN MEETINGS FOR THE ELECTION OF OFFICERS

The annual town election for the election of town officers and for the determination of all other matter to be referred to the voters shall be held on the fourth Tuesday in May. (amended March 15, 1975; June 26, 1978; November 16, 2004)

Subsection B: DATE OF ADJOURNED ANNUAL TOWN MEETING

The spring session of the Annual Town Meeting shall be held at 7:00 pm on the second Tuesday in May at the Uxbridge High School and shall be continued as determined by the Moderator. The fall session of the Annual Town Meeting shall be held at 7:00 pm on the third Tuesday of November at the Uxbridge High School and shall be continued as determined by the Moderator. (amended March 15, 1975; November 16, 2004)

Subsection C: THE HOURS DURING WHICH THE POLLS SHALL REMAIN OPEN

The polls shall be opened at 7:00 A.M. and shall remain open until 8:00 P.M. (amended May 8, 2001)

Subsection D: NOTICE OF ALL TOWN MEETINGS

Notice of every Town Meeting shall be given by posting attested copies of the Warrant therefore at the Town Hall, at the North Uxbridge Post Office and at the Linwood Post Office, which posting shall be no less than seven days before the day fixed for said meeting, and further notice shall be given in such manner as the Selectmen may determine. (amended August 14, 1972)

Subsection E: QUORUM OF VOTERS REQUIRED AT TOWN MEETINGS

The number of voters necessary to constitute a quorum at any Town Meeting shall be (50) voters, provided however that a number less than a quorum may from time to time adjourn the same. This section shall not apply to parts of meetings which are devoted exclusively to the election of Town officers.

Subsection F: DISTRIBUTION OF WARRANTS AT TOWN MEETINGS

Copies of the Warrant for all town meetings shall be made available to the voters at all town meetings.

Subsection G: REGULATION OF PARTICIPATION IN TOWN MEETINGS

The moderator shall appoint an adequate number of tellers who by use of the voting list shall permit only registered voters to actively participate in any Town Meeting.

Subsection H: MODERATOR

The moderator shall preside over all Town Meetings, regulate the proceedings thereof, decide all questions of order and make public declaration of all votes.

Subsection I: TOWN MEETING PROCEDURE IN GENERAL

In all matters not otherwise specifically provided herein, Town Meeting procedure shall be determined by reference to Town Meeting Time, current edition. (amended June 29, 1981)

Subsection J: THE ORDER OF ACTION ON ARTICLES

The Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by the vote of the meeting.

Subsection K: MOTIONS IN WRITING

All motions having to do with the expenditure of money shall be presented to the moderator in writing; other motions shall be in writing if so directed by the moderator.

Subsection L: DIVISION OF QUESTION

If a motion is susceptible of division it shall be divided and the question shall be put separately upon each part thereof, if ten (10) voters so request.

Subsection M: PRIORITY OF MOTIONS

When a question is before the meeting, the following motions, namely: (1) To adjourn; (2) To lay the table; (3) The previous question; (4) To postpone to a time certain; to commit; recommit or to refer; (5) To amend; (6) To postpone indefinitely; shall be received, and shall have precedence in the foregoing order, and the first three motions shall be decided without debate. On proposed amendments involving sums of money, the larger or largest amounts shall be put to question first and an affirmative vote thereon shall be a negative vote on any smaller amount.

Subsection N: MANNER OF VOTING

When a question is put, the sense of the meeting shall be determined, at the Moderators discretion, by a show of town meeting voter cards or the voices of the voters, and the moderator shall declare the vote as it appears to him. If the moderator is unable to decide the vote by the show of town meeting voter cards or the volume of the voices, as appropriate, or, if his decision is immediately questioned by seven (7) or more voters rising in their places for that purpose, the moderator shall determine the vote by ordering a standing vote and he shall appoint two tellers to each voter section and they shall agree on the number of "yes" votes cast and the number of "no" votes cast in their respective sections before the counts are returned. The meeting itself may by majority vote, upon proper motion in due order, require that the vote on any motion shall be taken by a "yes" and "no" ballot vote which may be tabulated manually or electronically.

Subsection O: LIMIT OF DEBATE

No person shall speak for more than ten (10) minutes on any question unless his time shall be extended by the moderator.

Subsection P: RECONSIDERATION

A motion for reconsideration, once decided, shall not be reconsidered. To pass, a motion to reconsider must receive the same percentage of votes as required to adopt the motion being reconsidered. No motion to adjourn, to lay on the table, or for the previous question shall be reconsidered. (amended May 8, 2001)

Subsection Q: COMMITTEE REPORTS

All committees shall report as directed by the town. If no report is made by the committee within a year of its appointment, that committee shall be automatically discharged unless in the meantime, the town by an express vote thereon shall have granted an extension of time to that committee.

Subsection R: COMPLETION OF BUSINESS

No motion, the effect of which would be to dissolve the meeting shall be in order until every article in the warrant therefore has been duly considered and acted upon. This shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.

Subsection S: VOTE NECESSARY TO APPROPRIATE IN SPECIAL TOWN MEETINGS

At all special town meetings a two-thirds vote shall be required to pass any article involving the raising, appropriating, or the transferring of funds.

Subsection T: DECLARATION OF TWO-THIRDS VOTE BY MODERATOR

Notwithstanding the provision of Subsection N of this Section and in accordance with the provision of M.G. L.c.29, §15, when a two-thirds vote is required by statute or by-law the Moderator may decide not to take a count and declare the vote as two-thirds unless the decision is immediately questioned by seven (7) or more voters rising in their places for that purpose, in which case the provisions of Subsection N shall apply. (added Sept. 22, 2000)

SECTION III TOWN OFFICERS: THEIR POWERS AND DUTIES

Subsection A: POWERS OF SELECTMEN

The selectmen shall have the general direction and management of the property and affairs of the town in all matters not otherwise specifically provided for by law or by these by-laws.

Subsection B: ISSUANCE OF LICENSES AND PERMITS BY THE SELECTMEN

(repealed November 8, 1976)

Subsection C: DISPOSAL OF TOWN PROPERTY

The disposal of town property, whether real or personal property, shall be in accordance with the provisions of Massachusetts General Laws 30B. (amended November 27, 1990)

Subsection D: DUTY OF TOWN CLERK TO NOTIFY ALL ELECTED AND APPOINTED OFFICERS

It shall be the duty of the town clerk immediately after each town meeting to notify in writing all members of committees who may be elected or appointed at such meetings stating the business upon which they are to act and the names of the persons composing the committees and also all officers, boards, and committees of all votes of such a meeting which affect the powers and duties of their offices in any way.

Subsection E: RESIGNATION OF ELECTED AND APPOINTED OFFICERS

All resignations of elected and appointed town officers shall be sent to the town clerk who shall notify the selectmen forthwith of such resignation.

Subsection F: FEES

All town officers and employees shall pay into the town treasury all fees received by them by virtue of the office. (added May 10, 1994)

SECTION IV

THE FINANCE COMMITTEE: ITS FORM, DUTIES, AND POWERS

Subsection A: MEMBERSHIP, NUMBER AND FORM

There shall be a Finance Committee consisting of Seven (7) registered voters of the Town who shall not also be elected or appointed officers of the town. (amended May 10, 1988)

Subsection B: APPOINTMENT AND TERM

The members shall be appointed by the Moderator at the conclusion of the Annual Town Meeting and shall serve for a term of three (3) years. This by-law shall be implemented in the following manner: Notwithstanding the foregoing by-law, at the 1983 Annual Town Meeting, the Moderator shall appoint three (3) members for a term of three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year, with all successors appointed for terms of three (3) years. (amended May 11, 1982)

Subsection C: VACANCIES THEREON, HOW FILLED

The Moderator shall fill any vacancy which may occur in its membership and the Town Clerk shall be informed of the appointment by the Moderator. If any member is absent from five (5) consecutive meetings of the Finance Committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as hereinafter provided. The term of office of any person so chosen to fill a vacancy on the Finance Committee shall expire at the final adjournment of the next Annual Town Meeting.

Subsection D: DUTY TO STUDY WARRANTS AND TO ACT THEREON

All articles in any Warrant for every Town Meeting shall be referred to the Finance Committee for its consideration. The Selectmen, after drawing any such Warrant, shall transmit a copy by registered mail or by delivery in hand, to each member of the Finance Committee. The Finance Committee shall then hold a Public Hearing at least fourteen days before such Town Meeting, upon all Articles, and a notice of such Public Hearing shall be given by posting a copy thereof at the Town Hall, at the North Uxbridge Post Office and at the Linwood Post Office and by advertising in a newspaper having circulation in the Town. After due consideration of the subject matter of the Articles in any Warrant, the Finance Committee shall make a written publicized report thereon at least five days prior to any Town Meeting, and shall also make such recommendations to every Town Meeting as it deems best to serve the interests of the Town. (amended August 14, 1972)

Subsection E: MANNER OF SETTING UP ITS RECOMMENDATION

It shall be the duty of the Finance Committee annually not only to consider the expenditures of all of the various municipal departments in previous years but also to consider the estimated requirements of the ensuing year of all of the various boards, officers, committees and departments of the Town as prepared by the Town accountant in such form and detail as may be prescribed by the Finance Committee for their due and serious consideration. The Finance Committee shall then add, to such statement of expenditures and estimates, another or third column entitled "recommendations" giving the amounts which in the opinion of the Finance Committee shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient and proper.

Subsection F: ACCESSIBILITY TO MUNICIPAL RECORDS AND ACCOUNTS

In performing its duties, the Finance Committee shall have free access to all books of records and accounts, bills and vouchers on which money has been or may be paid from the town treasury. All officers, boards, committees and departments of the Town shall, upon request, furnish the Finance Committee with facts, figures and any other information pertaining to the efficient fulfillment of their duties.

Subsection G: WRITTEN ANNUAL REPORT REQUIRED TO BE PUBLICIZED

The Finance Committee shall make an annual written report of all of its activities with recommendations relative to financial matters and to the conduct of the Town's business and the aforesaid written report of the Finance Committee shall be printed in the Annual Town Report.

SECTION V AUDITING AND MUNICIPAL ACCOUNTS

Subsection A: SUBMISSION AND COLLECTION OF BILLS

Each officer, board, committee or department authorized to spend money shall, within fourteen (14) days from the receipt of bills, transmit to the Town Accountant all unpaid bills.

If it shall seem advisable to the Town Collector that a lawsuit should be instituted on behalf of the Town for the establishment of collection of any account due to the Town, the Collector shall so notify the selectmen and the Collector shall also report to them from time to time, as they may direct, upon all uncollected accounts. The selectmen shall take such action as they deem expedient and consistent with the best interest of the Town acting in compliance with the Section hereinafter contained regulating Legal Affairs.

Subsection C: SUBMISSION OF RECEIPTS

Every officer, board, committee or department shall pay unto the Treasurer of the Town, not later than ten (10) days from the receipt thereof, all amounts received by him or them on behalf of the Town, except as otherwise provided by law, and shall also make a true return thereof to the Town Accountant stating the accounts upon which such amounts were received. The Town Treasurer shall deposit all income not later than ten (10) days subsequent to its receipt.

Subsection D: CUSTODY OF CERTAIN DOCUMENTS

Except as otherwise provided by law, the selectmen shall have custody of all bonds, deeds, contracts, insurance policies, and other similar documents owned by the Town.

(Note: The office of the Auditor was abolished in accordance with Massachusetts General Laws Chapter 41 on November 27, 1990.)

SECTION VI CONTRACTS BY TOWN OFFICERS

Subsection A: PARTICIPATION IN TOWN CONTRACTS BY TOWN OFFICERS

No officer of the Town either elective or appointive, and no agent of the Town who has been authorized (either acting alone or acting with other officers or agents of the Town) to borrow money, or to make any contract or purchase on behalf of the Town, shall have any pecuniary interest in any such loan, contract or purchase.

Subsection B: PROVISIONS AGAINST ADDITIONAL COMPENSATION BY TOWN OFFICERS

No Town officer, either elective or appointive, and no salaried employee of the Town, and no agent of any such officer or such employee, shall when acting in his official capacity, sell materials or supplies to the Town, nor receive any compensation or commission for services rendered by him for the Town, except his official salary and such fees as are allowed by law, without first obtaining in each of the above cases the permission of the Board of Selectmen expressed in a vote which shall appear in their records with the reason therefore, unless by competitive bid.

Subsection C: PROCUREMENT OF SUPPLIES

All procurement of supplies, services and real property shall be in accordance with the provisions of Massachusetts General Laws 30B. (amended November 27, 1990)

Subsection D: DURATION OF CONTRACTS

No board, officer, committee or department shall make any contract on behalf of the Town, the execution of which shall necessarily extend beyond three (3) years from the date thereof, except as otherwise provided by law, unless specific authority to do so has been given by the vote of the Town, at the annual Town Meeting, and no contract made or entered into by any board, officer, committee or department of the Town, on behalf of the Town, shall ever contain an option for renewal or an automatic renewal clause. (amended November 27, 1990)

Subsection F: COMPETITIVE BIDDING

(repealed November 27, 1990)

SECTION VII LEGAL AFFAIRS

Subsection A: SELECTMEN'S DUTIES THEREON

The Selectmen shall be agents of the Town, to institute, prosecute, and to defend any and all claims, actions, and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

Subsection B: SELECTMEN'S POWERS IN CERTAIN CASES THEREON

The Selectmen may at their discretion compromise or settle any claim or suit to which the Town is a party, which does not require the payment by the Town of an amount in excess of five hundred dollars (\$500.00). However, no settlement of a claim or lawsuit obligating the Town in an amount in excess of five hundred dollars (\$500.00) shall be made, except as otherwise authorized by law, without the consent of the Town Meeting.

Subsection C: ANNUAL REPORT OF THE SELECTMEN THEREON

The Selectmen in their annual report shall state what actions have been brought against and on behalf of the Town, what cases have been compromised or settled, and the current standing of all lawsuits involving the Town or any of its interests.

Subsection D: DUTY OF SELECTMEN TO APPOINT TOWN COUNSEL

The Selectmen shall annually, within 30 days after the final adjournment of the Annual Town Meeting, appoint a member of the Bar who is in good standing to serve as Town Counsel for the term of one year from the first day of July in such year following and until his successor is appointed and enters upon the performance of his duties. The Selectmen shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist the said Town Counsel, whenever, in their judgment necessity thereof arises.

Subsection E: DUTIES OF THE TOWN COUNSEL

It shall be the duty of the Town Counsel to conduct the prosecution, defense, or compromise of claims, actions or proceedings to which the Town is a party, and the prosecution or actions or proceedings by or on behalf of any town officer, board, or committee as such; to conduct the defense of any action or proceedings brought against any town officer, board or committee as such, whenever the Selectmen, having determined that any rights or interests of the Town are or may be involved therein, shall so request; to conduct proceedings brought by or against the assessors before the Appellate Tax Board; to assist in the prosecution of complaints for the violation of any by-law of the Town when requested to do so; to examine and to report upon all titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and all other legal instruments to which the Town is involved; to appear at any or all hearings on behalf of the Town whenever his services may be required; and generally to advise and set for the town officers, boards and committees upon any legal matters involving the duties of their respective offices.

SECTION VIII TRAFFIC

Subsection A: REGULATION AND PARKING

The Selectmen shall have the power and the authority to regulate traffic upon the streets and highways of the Town of Uxbridge and to make rules and regulations as to the parking of motor vehicles upon said streets and highways; and to set up rules and regulations for the operation of traffic on said ways in all matters not otherwise specifically provided for by laws of the Commonwealth of Massachusetts nor in conflict with rules and regulations of the Registry of Motor Vehicles of said Commonwealth.

Subsection B: ALCOHOLIC BEVERAGES

- A. No person shall consume any alcoholic beverage or have within the person's possession or control any container of alcoholic beverages which is open, or has seals which have been broken, while the person is in or upon any public way, way to which the public has a right of access as invitees or licensees, park, playground, or other public or private place without the consent of the owner or person in control of such place.
- B. Any police officer witnessing a violation of this by-law shall have the power to arrest the violator without a warrant and shall bring the violator before the next session of the district court with jurisdiction of the violation.

C. All alcoholic beverages being consumed or in the possession or control of any person in violation of this by-law shall be seized and safely held until final adjudication of the charge against the person or persons charged with violating this by-law, at which time they shall be delivered to the person or persons entitled thereto.

D. Any person who violates any provision of this Article shall be subject to fine not exceeding fifty (50) dollars.
(adopted December 3, 1985)

Subsection C: SNOW REMOVAL

No person shall move snow or ice from private property onto the traveled portion of a public way or sidewalk so as to impede or obstruct the use of such public way or sidewalk or so as to create a hazard or unsafe condition on such a public way or sidewalk. (added May 8, 1984)

Subsection D: HANDICAP PARKING

A. Applicability: This section shall apply to any existing or future parking area to which the public has right of access as invitees or licensees which contains more than fifteen (15) parking spaces.

B. Requirements for handicapped parking spaces: No person shall park a motor vehicle, motorcycle or like means of transportation in a designated parking space that is reserved for vehicles owned and operated by disabled veterans or by handicapped persons unless said vehicle bears the distinctive license plates or placards authorized by MGL Chapter 90, Section 2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL Chapter 90, Section 2, or for any vehicle bearing the official identification of a handicapped person issued by any other state. Any person or body that has lawful control of a public or private way or of imposed or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by MGL Chapter 90, Section 2, or for vehicles transporting a handicapped person and displaying the special identification plate authorized by MGL Chapter 90, Section 2, or for any vehicle bearing the official identification of a handicapped person issued by any other state, according to the following formula: if the number of parking spaces in any such area is:

1. More than fifteen (15) but not more than twenty-five (25): one (1) parking space.
2. More than twenty-five (25) but not more than forty (40): five percent (5%) of such spaces but not less than two (2).
3. More than forty (40) but not more than one hundred (100): four percent (4%) of such spaces but not less than three (3).
4. More than one hundred (100) but not more than two hundred (200): three percent (3%) of such spaces but not less than four (4).
5. More than two hundred (200) but not more than five hundred (500): two percent (2%) of such spaces but not less than six (6).
6. More than five hundred (500) but not more than one thousand (1000): one and one-half percent (1 ½%) of such spaces but not less than ten (10).
7. More than one thousand (1000) but not more than two thousand (2000): one percent (1%) of such spaces but not less than fifteen (15).
8. More than two thousand (2000) but not more than five thousand (5000): three fourths of one percent (¾ of 1%) of such spaces but not less than twenty (20).
9. More than five thousand (5000): one-half of one percent (½ of 1%) of such spaces but not less than thirty (30).

C. Sign requirements for and location of handicapped parking spaces: Each parking space designated as reserved under the provisions of Subsection B or each pair of such spaces shall be identified by a permanently installed above-grade sign located at a height of not less than five (5) feet and not more than eight (8) feet to the top of the sign with white lettering against a blue background and shall bear the words "Handicapped Parking, Special Plate Required, Unauthorized Vehicles may be Removed at Owner's Expense", and must also contain the International Symbol of Accessibility, which is a person in a wheelchair. Such parking spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk

access to a handicapped person, shall be twelve (12) feet wide or have two (2) eight-foot-wide areas with four (4) feet of crosshatch between them and shall contain the International Symbol of Accessibility on their surface. However, on unpaved lots, parking spaces shall be designated only by the sign as defined in this section. Where the designated parking space cannot be located within two hundred (200) feet of an entrance accessible to the physically handicapped, a drop-off area accessible to the physically handicapped shall be provided within one hundred (100) feet of such entrance.

D. Regulation of unauthorized vehicles in handicapped spaces.

1. The penalty for parking in violation of this section shall be as follows: for the first offense, twenty-five dollars (\$25); for the second offense, fifty dollars (\$50); and for each subsequent offense, the vehicle may be removed according to the provisions of MGL Chapter 266, Section 120D. This provision shall be enforced by the Police Department.
2. The penalty for failure to establish and maintain the parking spaces and signs required by Subsections B and C shall be two hundred dollars (\$200) for each day such failure continues. This provision shall be enforced by the Building Inspector. (added October 27, 1992)

SECTION IX RECORDS AND REPORTS

Subsection A: WHO SHALL KEEP THEM AND MANNER OF KEEPING THEM

All officers, boards, and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town Office, shall not be removed there from and shall become Town property. Said books shall, unless otherwise provided by law, be open to public inspection under the supervision of the officer, board or committee having custody thereof.

Subsection B: ANNUAL PUBLICIZED REPORT

All officers, boards, standing committees and special committees of the Town, having charge of the expenditure of Town money, shall annually report thereon in writing in such a manner as to give the citizens of the Town a fair and full understanding of the subjects and methods of such expenditures, referring, however, to the report of the Town Accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the annual Town Report on or before the first day of February of each year.

Subsection C: DUTY OF SELECTMEN TO PUBLICIZE CERTAIN ITEMS

The Selectmen, or the Town Meeting, shall direct that the by-laws and standing votes of the Town, and the rules and regulations adopted by any officer, board or committee shall be printed either separately, or, as a part of the annual Town Report.

SECTION X EARTH REMOVAL

Subsection A: GENERAL PROVISIONS

The removal of soil, loam, sand, or gravel from any parcel of land in the Town of Uxbridge is prohibited unless a written permit therefore is obtained from the Board of Selectmen as hereinafter provided, except, however, that no permit shall be necessary when soil, loam, sand, or gravel must be removed to construct a building being built in accordance with a permit issued by the proper Town authority, to construct a public or private road within the Town, to operate a licensed sanitary landfill, or as part of the normal operation of a farm, garden, cemetery, or landscaping activity.

Subsection B: APPLICATION FOR LICENSE

Any person wishing to obtain a permit to remove soil, loam, sand, or gravel from any parcel of land within the Town shall file a written application with the Board of Selectmen, which shall include the following information and documentation:

1. The legal name and address of the applicant.
2. The location of the proposed excavation.
3. The legal name and address of the owner of the property to be excavated.
4. A list of abutters and abutters to abutters within 300 feet of the location of the proposed excavation, as appearing in the records maintained by the Board of Assessors of the Town.
5. A site plan of the land prepared by a registered land surveyor or registered professional engineer showing the existing contours and topography of the entire site of the proposed excavation and all abutting land within 100 feet of the proposed excavation. The site plan shall locate monuments sufficient to delineate the perimeter of the site at intervals of not less than 500 feet.
6. A plan of the land showing the proposed contours and topography of the site when the proposed excavation is completed, showing a typical cross-section of the proposed final cover as well as any drainage or other structures that may be necessary.
7. A proposal concerning the provisions of security for the final completion of the excavation project in accordance with plans submitted and any additional conditions that may be attached to the permit.

The Board of Selectmen may by regulation prescribe forms for initial applications, extensions, and renewals, and such forms may require such additional information as the Board of Selectmen shall determine to be necessary.

Subsection C: PROCEDURE FOR ISSUING LICENSES

Prior to issuing any permit hereunder, the Board shall hold a public hearing, notice of which shall be given by publication in a newspaper having general circulation within the Town and copies of which are mailed to each of the abutters shown on the list submitted with the application, at least seven (7) days prior to the hearing.

Prior to such hearing the Board shall also send notice of the application to the Board of Health, Conservation Commission, and Planning Board of the Town and request such comment or advice as said Boards or Commission may deem appropriate.

If, after hearing, the Board determines that the license application conforms to the requirements of Subsection B hereof, and that the licensed operation would conform with the requirements of public health and welfare and be consistent with the sound development of the Town, the Board may issue such license upon the terms specified in this by-law and subject to such additional conditions as the Board may determine to be necessary.

Subsection D: CONDITIONS OF LICENSE

Every license issued shall be subject to the following conditions:

- A. The portions of the licensed premises which have been excavated shall be graded and leveled to conform to the approved final contour plan at least annually.
- B. After final grading and leveling and not later than October 15 of each year, the excavated portion shall be covered with not less than four (4) inches of suitable topsoil, and shall be seeded and planted with suitable ground cover.
- C. No excavation shall be undertaken within 300 feet of a public or private way or within 250 feet of a building or structure, unless the Board specifically finds that such excavation will not undermine the way or structure or otherwise be seriously detrimental to the neighborhood and such finding is endorsed on the license.
- D. Soil or loam may be permanently removed only from any parcel of land determined by the Board to be unsuitable for agricultural use, and the Board may issue a permit for the permanent removal only after obtaining the recommendation of the Soil District Supervisor and the County Extension Director or Agent, and their recommendations shall be made part of the record of the Board.

- E. No swamp, pond, watercourse or other wetland will be altered or polluted in any way without all necessary permits and no watercourses, drains, swales, culverts or other water channeling contours or structures shall be constructed unless shown on the plan submitted and approved.
- F. No excavation will begin until security by surety bond, cash, or other approved method is provided to insure that the excavation will be carried out in accordance with the license and that the final grades and cover are provided. Such security shall not be less than \$2,000 for each acre of the proposed site. The security shall be released when suitable vegetation has been re-established on the portion of the site for which it was provided.

Subsection E: DURATION OF LICENSE

Every license granted under this by-law shall be valid for a period not to exceed one year. Notwithstanding that limitation, the permits granted in December of 2004 for the 2005 operations may be extended for up to 24 months (into 2006) to facilitate the implementation of a staggered license renewal and renewal procedure. Thereafter, every license shall expire at the end of the 12-month period for which it is issued. Any license issued may be renewed by the Board without hearing, if the proposed excavation will be conducted in accordance with a plan previously approved and if the annual report required by Subsection F has been filed. Any expansion or extension of a licensed excavation will also be subject to a public hearing. (amended 11/16/04)

Subsection F: ANNUAL REPORTS AND INSPECTION

One month prior to license expiration, the licensed operator of an excavation shall submit a report showing the following information for the preceding licensed period of operation:

1. The amount of material removed.
2. The type of material removed.
3. The area (square feet or acres) excavated and the area regraded, covered, and seeded.

Every licensed excavation shall be open for inspection by the proper local officials at all reasonable times. (amended 11/16/04)

Subsection G: LICENSE FEES, VIOLATORS

The Board of Selectmen thereto shall set all application and renewal fees.

Each day of excavation without the permit required, or otherwise, in violation of this by-law shall constitute a separate offense and shall be individually punishable by the fine provided in G.L. c. 40, Sec. 21 (17). (adopted May 8, 1984); (amended 11/16/04)

SECTION XI DISCARDING MATERIALS; INCINERATORS

Subsection A: DISCARDING MATERIALS

No person shall bring any trash, rubbish, refuse, discarded materials including tires, tree roots, bottles, cans, crates, and waste or materials from demolished buildings, or any other material whatsoever, from without the Town limits into the Town of Uxbridge for the purpose of depositing it in any area used or set aside as a public or private dump or public or private transfer station.

No person shall deposit in any dump, public or private, any animal or vegetable material or other material which shall become a breeding place for rodents, flies, or vermin.

Likewise, no person shall deposit in any dump, public or private, any material which by odor, dust or putrefaction, or otherwise shall be deemed to be obnoxious material by the Board of Health, unless otherwise authorized to do so by the Board of Health.

No person shall use a dumping area for the disposal of rubbish, trash, or refuse including discarded materials as set forth in paragraph 1 of this by-law unless the area is approved as a dumping site pursuant to provisions of the General Laws, Chapter 111, Section 150A.

No person not a resident of the Town of Uxbridge who does not own real property therein shall be permitted to deposit any trash, rubbish, refuse, or any material whatsoever, in any area set aside by the Town as public dump or public transfer station. (amended August 14, 1972; June 22, 1987)

Subsection B: INCINERATORS

Commercial incinerators for the purpose of destroying any materials will not be allowed in the Town of Uxbridge. (added May 11, 1976)

Subsection C.

The disposal of solid waste or hazardous waste by means of incineration, resource recovery or any other burning method shall be prohibited within the Town of Uxbridge. (added January 15, 1987)

**SECTION XII
COUNCIL ON AGING**

Subsection A: COUNCIL ON AGING

There is hereby established a Council on Aging consisting of eleven citizens of this town, appointed by the Board of Selectmen for terms not to exceed four years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be re-appointed for consecutive terms.

The duties of said Council on Aging shall be to:

1. Identify the total needs of the community's elderly population;
2. Educate the community and enlist support and participation of all citizens concerning these needs;
3. Design, promote or implement services to fill these needs, or coordinate present existing services in the community; and
4. Promote and support any other programs which are designed to assist elderly programs in the community.

Said Council on Aging is shall cooperate with the Commonwealth of Massachusetts Office of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Office of Elder Affairs. (amended February 4, 1974)

Subsection B: COUNCIL FUNDS

The Council on Aging is hereby authorized to accept grants or gifts from the State and Federal Government, from charitable corporation, from a private corporation, or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.

The Council on Aging is further authorized to deposit to said fund all sums received in connection with the conduct of programs or activities it is authorized to conduct.

The Council on Aging may, with the approval of the Selectmen, expend funds from the said account for any purpose it is authorized to perform without further appropriation. (amended June 24, 1974)

**SECTION XIII
RECREATION COMMITTEE**

Subsection A: RECREATION COMMITTEE

The Recreation Committee is hereby authorized to accept grants or gifts from the Federal Government, from a charitable corporation, from a private corporation or from an individual. Such funds as may from time to time be received shall be deposited with the Town Treasurer and held as a separate account.

The Recreation Committee is further authorized to deposit to said fund all sums received in connection with the conduct of programs or activities it is authorized to conduct.

The Recreation Committee may, with the approval of the Selectmen, expend funds from the said account for any recreational purposes it is authorized to perform without further appropriations. (amended February 4, 1974)

SECTION XIV DEPARTMENT OF THE PUBLIC WORKS

Subsection A: ESTABLISHMENT OF THE DEPARTMENT

There is hereby established in the Town of Uxbridge a Department of Public Works, which shall have all the powers and duties now vested in the Highway Department, Water Department, Sewer Department, and manager of the Landfill operations. Upon acceptance of these by-laws by the said Town as hereinafter provided, the aforesaid departments or services are hereby abolished and their powers and duties shall be transferred to and shall be under the direction of the Department of Public Works, hereinafter called the Department. In addition, the Department may construct, reconstruct, improve and maintain the parks and recreational facilities of the Town, including the real property and improvements under the control of the Uxbridge Athletic Field Commission, to the extent that the boards and commission in charge of such facilities request such services, and subject to appropriation therefore.

Subsection B: ELECTION & DUTIES OF THE BOARD

Appointment of the Superintendent

- A. The Department will come under the jurisdiction of a Board of Public Works, and elected body consisting of three members hereinafter called the Board. The initial members thereof shall be elected, one to serve for one (1) year, one for two (2) years, and one for three (3) years from the date of the annual town meeting at which they are elected and thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are elected and qualified. The members of the Board shall, after each election, elect one of their members to act as chairperson for the ensuing year. No member of the Board shall hold any other elective town office.
- B. The Department shall be under the supervision and control of a superintendent appointed by the Board.
- C. Said superintendent shall be a person qualified by education, training and experience and shall be responsible for the operational and administrative functions of the Department in accordance with a job description to be developed by said Board.
- D. The salary of said superintendent and the term of office shall be determined by said Board, subject to appropriation by the town meeting.
- E. Said superintendent shall hold office subject to the will of said Board, and shall not be subject to the civil service law. During tenure the superintendent shall hold no elective office nor shall be engaged in any other business or occupation. Any vacancy in such office shall be filled by appointment of said Board for the remainder of the unexpired term.
- F. The superintendent shall give to the Town a bond with a surety company authorized to transact business in the Commonwealth as surety, for the faithful performances of his or her duties, in such sum and upon conditions as the Board may require.

Subsection C: CONTRACTS & EMPLOYEES

No existing contract or liability shall be affected by the abolition of the aforesaid departments or services and the superintendent shall in all respects be the lawful successor to the offices and boards so abolished. All persons employed by or under the supervision of the offices and departments abolished by this act shall be transferred to the

department. All such transfers of employees shall be made without loss of pay and without change of their rating, seniority, retirement or pension rights or any other privileges under any provision of law or by-law; and further, to see if the Town will vote to petition the legislature for such authorization as may be necessary to effectuate said by-law. (added May 8, 1984); (amended June 23, 1986)

SECTION XV FIRE ALARM AND FIRE PROTECTION SYSTEMS - SECURED KEY ACCESS

Unless specifically waived by the Uxbridge Fire Chief, any building other than a residential building of less than six (6) units which has a fire alarm or fire protection system shall be equipped with a secure key box of a type approved by the fire chief, and installed in a manner and location designated or approved by the fire chief or his designee. Said key box shall contain keys or other devices necessary to access and control or service said fire alarm or protection system. The Uxbridge Fire Department shall be provided with the means to enter said key box.

Any person having lawful control of a building, who, after receiving written notice from the Fire Chief or his designee fails to comply with the provisions of this bylaw shall be subject to a fine of fifty dollars (\$50) for each day said violation continues.

This bylaw shall become effective August 10, 1993.

SECTION XVI ENTERTAINMENT LICENSE

RULES AND REGULATIONS

1. All entertainment shall be conducted that no unreasonable or unnecessary noise shall be audible upon the sidewalk adjoining the licensed premises or upon any abutting premises. All amplifiers shall face the licensed premises and not the street.
2. All the licensed premises shall be subject to inspection by the police of the Town of Uxbridge and duly authorized agents of the Licensing Authority.
3. All entertainment and/or dancing must be confined to some space provided for the purpose.
4. The type and hours of entertainment shall be subject to change by the Licensing Board at any time.
5. At all times the entire licensed premises must be illuminated to the degree of not less than one (1) foot candles (measured 30 inches from the floor) except those portions of the room under furniture.
6. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or nonalcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contract which such person may have with a patron to whom they are related by blood or marriage.
7. The Licensing Board shall have the right to change or add to the foregoing terms and conditions after notice to the licensee.
8. Attire and conduct of employees, entertainers, and other persons:
 - a. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola or the female breast or any portion of the pubic hair, cleft of the buttocks or genitals.
 - b. Mingling is forbidden except by owners and managers in the performance of their duties and waitresses and waiters involved in the services of food and beverages.

- c. It is forbidden to employ or permit any person in or on the licensed premises to perform any acts, or to simulate an act or acts of:
 - i. Sexual intercourse, masturbation, sodomy, flagellation or any acts prohibited by law; or
 - ii. Touching, caressing, or fondling of the breasts, buttocks or genitals of another.
- 9. Visual Displays: It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures or other photographic reproductions depicting any of the acts or any simulation of any of the acts prohibited in Rule 8 of these Rules and Regulations.
- 10. Severability: If any of the provisions of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such Rules and Regulations, or the application of such other provisions which can be given effect without the invalid provision or application thereof and for this purpose the provisions of these Rules and Regulations are severable.
- 11. Other Laws: Notwithstanding any of the foregoing Rules and Regulations, no person duly licensed by the Licensing Authority of the Town of Uxbridge under G.L. C. 138, Section 1, 12 or 23 shall employ, use the services of or permit upon his licensed premises any employee, entertainer or other person who by his or her attire or conduct violates any General Laws, Special Act or By-Law of the Town of Uxbridge.
- 12. All licenses shall be kept in an accessible place on the premises, available at all times to the proper authorities.
- 13. All areas where dancers or other entertainers perform shall be separated by a walk way of at least two (2) feet in width between any stage or platform and areas where drinks are served and consumed.
- 14. Every license is subject to suspension, revocation, or forfeiture for breach of any of its conditions or regulations of which the licensee has notice or any law of the Commonwealth. (added May 13, 1980)

SECTION XVII EXCAVATION BARRIERS

Every person excavating land, in charge of such excavation, or owning land which has been excavated shall erect barriers or take other suitable measures to protect the public within two days after having been notified in writing by the Board of Selectmen or the Building Inspector that in their opinion such excavation constitutes a hazard to public safety.

The penalty for failure to comply with such written notice by the Selectmen or Building Inspector shall be one hundred dollars per day for every day such person is in violation of such notice commencing with the fourth day thereof, or take any other action relating thereto. (added October 6, 1980)

SECTION XVIII LOITERING

No person or persons shall continue to loiter, sit or stand in any street, sidewalk, public place, public building or any property not their own or under their control, so as to obstruct or impede the free passage of, or in any manner annoy or disturb any other person, after having been directed by a police officer to move on or disperse. The penalty for any violation of this section shall be a fine of not more than \$200.00. (added October 6, 1980)

SECTION XIX PERSONNEL BOARD

This section rescinded February 21, 1995

SECTION XX

WATER DEPARTMENT REVOLVING FUND

Subsection A.

The Town of Uxbridge hereby establishes in the town treasury an individual revolving fund (hereinafter called "Water Fund") for its water department. All receipts of the water department shall be credited to the Water Fund. The Water Fund shall be kept separate from any other monies or funds of the Town, and shall be expended only for those purposes outlined below.

Subsection B.

There shall be a fixed schedule of prices or rates established by the Board of Water Commissioners for water which shall not be changed more often than once each year. Changes in the rates shall not be made unless the proposed new rates are published in newspapers in general circulation in Uxbridge and considered at a public hearing held for this purpose. No price or rate in said schedule shall be fixed at less than production cost as it may be determined by the Board of Water Commissioners. The schedules of prices and rates shall be established to yield a zero balance after the payment of all operation and maintenance expenses, principal and interest on outstanding debts, an accrued depreciation reserve not to exceed two per cent of the cost of the plant per annum and a sinking fund for Capital Improvements not to exceed two per cent of the cost of the plant per annum. The cost of the plant will be determined by the Board of Water Commissioners, and be based upon the actual capitalization of all land, structures, reservoirs, transmission systems, distribution systems, machinery and equipment, and all other classifications comprising the total Department. If a surplus exists, then the schedule of prices or rates will be revised to maintain a zero balance. The water used by the Town of Uxbridge in its public buildings, shall be charged for in accordance with the prices of the fixed schedules. There shall be a separate price or rate for water used for public fire protection which shall be a fixed rate on a per hydrant basis, which amount shall be appropriated by the Town of Uxbridge in its annual budget for that purpose.

Subsection C.

The income from sales, jobbing and the above mentioned appropriation shall be received by the Town Collector, and shall be used by the Board to pay the annual expenses of the plant, to make payments on the indebtedness of the plant, and to set up the depreciation and sinking fund accounts which will be kept and managed as separate funds for reconstruction, renewals, extensions, improvements, major repairs, enlargements, additions or similar purposes. The general authority to manage and expend the fund by the Board will require approval by the Town at a Town Meeting. The accounting system to be used for keeping the Department accounts will be the Uniform System of Accounts, prescribed by the Department of Public Utilities for private water companies, which will reflect on a monthly basis, the status of all accounts and the financial positions of the Department.

Subsection D.

Nothing in this act shall prevent the Town of Uxbridge from appropriating funds for repairs, improvements, extensions or additions to the water system over and above those programmed under the revolving fund. These appropriations will be treated as Special Deposits on the Department books and administered by the Board of Water Commissioners for the specific purposes for which they were appropriated. Any balance after completion of the project will be returned to the General Fund by the Board. Nothing in this act shall prevent the Town of Uxbridge, by a two-thirds (2/3) vote at a Town Meeting from transferring funds from the accumulated sinking fund of the Department to reimburse the Town for funds which may be appropriated and used for Department projects as outlined herein. The Board is expressly allowed to accept grants or gifts for water projects.

Subsection E.

This by-law shall take effect on July 1, 1981.

Subsection F.

This by-law may only be revoked by the Town by a majority vote of the qualified voters of the Town present and voting thereon at the annual or any special Town Meeting called for the purpose, three years after the year in which the by-law is accepted.

(added June 16, 1981)

SECTION XXI

SEWER PRIVILEGE CHARGE

SUBSECTION A.

Pursuant to a general power and authority granted to the Town by Article 89 of the amendments to the state constitution and including, but not limited to specific power and authority granted to the Town by Chapter 83 Section 14 - 24 MGL as most recently amended, the Town hereby adopts the following by-law establishing and regulating a permanent sewer privilege fee.

Section 1. In lieu of sewer betterment assessments under Chapters 80 and 83 of the General Laws (Ter. Ed.) of the Commonwealth, the Town of Uxbridge shall hereafter charge a permanent sewer privilege fee as established by the by-law. The fees established herein may be changed from time to time by vote of the Town at any annual town meeting.

Section 1A. The permanent sewer privilege fee shall be established on the basis of residential equivalents. The sewer commissioners shall determine the average annual flow of sewerage and the strength of waste which the average residential unit discharges into the sewer system. Such average shall be known as the "Residential unit equivalents" for the purpose of apportioning the cost of development of the sewer system for the Town of Uxbridge. (added May 13, 1980)

Section 2. Whenever a common sewer is available, either directly or indirectly, as determined by the Sewer Commission, to the Town sewer system, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or in the case of a change in use of sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, if none, then at the time the new use begins.

A. Residential Use

1. Each single family building connected directly to the Town sewer system shall be assessed as one unit.
2. Each dwelling unit in a multiple family dwelling, whether connected to the Town sewer system directly, or indirectly, and whether in one or more buildings, shall be one unit for the first dwelling unit, and ½ unit for each additional dwelling unit. For the purpose of this section, multiple family dwelling shall be deemed to include, but not be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, or otherwise.
3. In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the Town of Uxbridge, each dwelling unit connected to the Town sewer system shall be assessed one-half of the assessments under 2A1 and 2A2 for a period of five years from the date of the original subdivision Plan Approval by the Planning Board. Section 2A1 and 2A2 shall apply to all connections made after the original 5 year period.

AA. Industrial Use

For those uses and activities which are classified as Industrial, the rate to be paid shall be established in a manner which will provide the number of residential unit equivalents equal to the estimated annual flow expected to be introduced in the sewerage system. (added May 13, 1980)

B. Other Uses

1. For uses determined by the sewer commission to be commercial, there shall be an assessment of a minimum of one unit, and an additional unit for every 10,000 square feet of floor space, or major portion thereof, exceeding an initial 10,000 square feet, up to a total of 50,000 square feet of floor space, and an additional unit for every 25,000 square feet of floor space or major portion thereof exceeding the initial 50,000 square feet.
2. In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the Town of Uxbridge the charges assessed shall be one-half of the charges described in Section (2.B.1) for a period of five years from the date of the original Subdivision Plan Approval, Section (2.B.1) shall apply to all connections made after the original 5 year period.

C. Changes in Use

1. When a sewer has previously been constructed, in residential uses when additional dwelling units are added, a fee of one-half unit per additional dwelling shall be assessed.
2. When a sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed on one unit for each additional 10,000 square feet of floor space, or major portion thereof, up to a total of 50,000 square feet of total floor space of the building; and an additional unit for every 25,000 square feet of floor space, or major portion thereof, exceeding the initial 50,000 square feet.

Section 3. The owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, shall within two years, connect the same therewith by a sufficient drain. A variance from this requirement may be granted by the Board of Health on the following conditions:

- A. That said land, by reason of its grade or level or any other cause cannot be drained into such sewer, until such incapacity is removed and, further, provided that a private septic system is installed which meets the requirements of the Board of Health, said variance to be only so long as said system continues to meet those requirements as they may be amended or revised.
- B. That the dwelling units on River Road in existence as of May 9, 2000 are exempt from connecting into the municipal sewer system if sewer lines are installed by the Town of Millville. (added June 16, 2000)

Section 4. The fee under this by-law shall be assessed by the Sewer Commissioners upon the estate benefited thereby. Such assessment shall be made by filing with the Board of Assessors of the Town a certificate, designating the way on which the premises connected lies, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within thirty days after the filing of the same with the Board of Assessors, be recorded in the Registry of Deeds for the County of Worcester, or, in the case of registered land, filed in the office of the assistant recorder for the Worcester County Registry District.

Section 5. Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens therefore, and to interest thereon shall apply to assessments made under this by-law, the notice referred to herein shall be deemed to be the demand of the Tax Collector. The lien for any assessment made under this by-law shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

Section 6. In addition to the fees prescribed by this by-law the owner shall pay the rates established from time to time for sewer usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced. (added February 20, 1979); (amended June 16, 1981)

Subsection B: INTEREST ON SEWER USAGE CHARGES

Sewer usage charges shall accrue interest from the thirtieth day after the date the initial bill theretofore is mailed to the person responsible for its payment until paid at the same rate interest accrues on unpaid real estate taxes as provided by G.L.c. 60, Section 57. (added June 16, 1981)

Subsection C: RULES AND REGULATIONS FOR SEWER USE

Article I. DEFINITIONS

Unless the content specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewerage.

Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewerage.

Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, partnership, or group.

Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 17. "Shall" is mandatory; "May" is permissive.

Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec. 19. "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works of the Town of Uxbridge, or his authorized deputy, agent, or representative.

Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension of water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 23. "Town" shall mean the Town of Uxbridge, Massachusetts.

Sec. 24. "Board" shall mean the Board of Sewer Commissioners or Sewerage Committee of the Town.

Article II. BUILDING SEWERS AND CONNECTIONS

Sec. 1. No authorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. "Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection." No person shall break, cut or remove, any pipe of the Public Sanitary Sewer, or make or cause to be made any connection to said sewer except through the connection branches provided for that purpose, unless in another manner approved by the Board.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered to be pertinent in the judgement of the Superintendent. The permit and inspection fee for a residential or commercial building sewer permit or for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

Sec. 3. All costs and expenses incident to the installation and connections of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or In amplification thereof the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply.

Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the American Society for Testing of Materials and Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Article III. USE OF THE PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a) Any liquid or vapor having a temperature higher than one hundred fifty (150)°F (65°C).
- b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)°F (0 and 65°C).
- c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horse power (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

- d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h) Any waters or wastes having a pH in excess of 9.5.
- i) Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a) Reject the wastes,
- b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- c) Require control over the quantities and rates of discharge, and/or
- d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable examples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

- a) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other Agencies having jurisdiction over discharges to the receiving waters.

Section 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

ARTICLE IV. PROTECTION FROM DAMAGE

Section 1. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.

Section 2. While performing the necessary work on private properties referred to in Article V, Section 1 above, the Superintendent or duly authorized employee of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the Town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 8.

Section 3. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town hold a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VI. PENALTIES

Section 1. Any person found to be violating any provision of this ordinance except Article IV shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article VI, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not to exceed the maximum allowed under the MGL C83, S10, as amended by St. 1987 C174, S7. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned by Town by reason of such violation.

ARTICLE VII. VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

(added June 16, 1981)

SECTION XXII SEWER EXTENSION ACCOUNT

- A. There is hereby established a permanent sewer extension account. Any sum of money appropriated or transferred to said account or otherwise received in said account shall be used only for the purpose of extending the sewer system within the Town.
- B. No money in the sewer extension shall be expended without a vote of the Town Meeting.
- C. Unless otherwise voted by the Town, all sums received as payment for sewer betterment charges or sewer privilege fees for sewer extensions shall be credited to the sewer extension account. (amended November 26, 1985)
(added May 11, 1982)

SECTION XXIII AUTOMATIC AMUSEMENT DEVICE LICENSE FEE

The annual fee for a license for an automatic amusement device required to be licensed by the provisions of G.L.c. 140, Section 177A, or any renewal thereof, shall be set annually, by the Board of Selectmen. The fee shall in no event exceed \$100.00. (added June 21, 1982)

SECTION XXIV ANIMAL CONTROL

- 1. No dog shall be upon the lands or ways of the Town unless such dog is secured by a suitable leash or lead, one end of which shall be secured in a manner as to restrain the animal and the other end of which shall be held by the owner or keeper of such dog, or such person as may be authorized thereby; nor shall any owner or keeper of a dog permit such dog to be upon the land of anyone other than such owner or keeper unless such dog is restrained as hereinbefore described, except by the express permission of the owner or person in possession of such land. Exceptions: Animals, which are classified as hunting or sporting dogs, as well as working dogs, while used in such capacity.

2. Dangerous and/or exotic pets and animals are not to be allowed within the Town limits of Uxbridge unless they are registered with the licensing authority for a fee no less than \$2.00 and comply with any and all laws rules and regulations of the Commonwealth of Massachusetts pertaining to exotic pets. The classification of such animals includes but is not limited to snakes, spiders, parrots, skunks, and raccoons.
3.
 - A. The annual fee for dog licenses shall be \$11.00 for male and female dogs; \$7.00 for spayed and neutered dogs; and \$1.00 for a substitute tag or a transfer of license. The fee for kennel licenses shall be \$30.00 for up to four dogs, \$40.00 for five to ten dogs, and \$50.00 for more than ten dogs. Said fees along with all other fees and fines authorized by this section of the Uxbridge General Bylaw and M.G.L. Chapter 140 shall be deposited into the General Fund in accordance with M.G.L. Chapter 44, §53. No person shall house more than 3 dogs age 6 months and over on a single premises without a kennel license.
 - B. 4 or more dogs require a kennel license. The fee for kennel licenses shall be \$30.00 for up to four dogs, \$40.00 for five to ten dogs, and \$50.00 for more than ten dogs. It shall be a condition of the issuance of any kennel license that the animal control officer shall be permitted to inspect all animals and the premises where the animals are kept at any time in accordance with Massachusetts General Laws Chapter 140, as amended, relating to dogs.
 - C. No person convicted of cruelty to animals shall be issued a license to operate a kennel.
 - D. Any person or persons who hold a kennel license shall make available to the animal control officer and the police department an emergency number where they can be reached.
 - E. All complaints received of a kennel will be handled in accordance with MGL C.140 § 137C, as amended.
 - F. All kennel owners will show proof of rabies at the time of the license issuance for all dogs that currently reside on that property, and all certificates are to be made available at time of any inspection.
4. Said fees along with all other fees and fines authorized by this section of the Uxbridge General By-Laws and M.G.L. Chapter 140 shall be deposited into an account entitled "Dog Fund" which is to be established and maintained by the Town Accountant as a fund for receipts reserved for appropriation to support the cost of the dog officer's salary and expenses, the cost of licensing, the costs of animal inoculations (such as rabies clinics) including information service, and all other obligations of M.G.L. Chapter 140.
5. The Dog Officer can impound a dog for the following offenses:
 - A. Unlicensed dog;
 - B. Found at large in violation of paragraph 1 of this bylaw relative to leashes;
 - C. Injuring or menacing a person;
 - D. Injuring a domestic animal or fowl;
 - E. Chasing vehicles (autos, motorcycles, trucks);
 - F. Chasing bicycles;
 - G. Causing any disturbance (barking, howling, disturbing peace, etc.);
 - H. Being un-muzzled off the owner or keeper's property while a muzzling order is in effect;
 - I. For defecating anywhere but the owner's property; or
 - J. For being found at large at any schoolyard and/or recreational area.
6. The Dog Officer can and will order a dog to be muzzled for the following:
 - A. Biting or menacing a person;
 - B. Injuring a domestic animal or fowl (for which the Dog Officer can order the dog destroyed); or
 - C. Only the Dog Officer has the power to remove a muzzle order if he so desires. An exception is feeding time.
7. For biting a person, the animal must be quarantined for ten days, thus allowing time for a rabies test.
8. Any owner or keeper of a dog who shall fail to comply with any of the provisions of the laws and By-laws governing dogs shall be fined as follows: \$25.00 for the each infraction; second violation within six months,

\$35.00, third or more violations within six months of first violation, \$50.00. Any violation which results in personal injury or property damage in excess of twenty-five dollars, a \$50.00 fine. The Town may enforce the provisions of this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other legal provision.

9. A. Impounded, unlicensed dogs shall be kept for ten (10) days. During such time, a description of the animal will be available at the police station or directly with the dog officer. If the animal is not claimed, it shall be sold to anyone paying the fines and storage of said animal or destroyed in a humane manner.
B. The owner of an impounded, licensed dog will be notified by phone, mail or in person of the animal's confinement. The animal will be kept until the owner pays all fines, upkeep and storage. If not claimed within 30 days it will be destroyed in a humane manner.
10. To obtain the release of an animal, the owner must:
 - A. License the animal, if it is not licensed;
 - B. Pay all fines; and
 - C. Pay all storage and upkeep set by the appropriate storage facility.
11. If found at large, dogs in the Estrous Cycle (heat) could be impounded. If complaints have been recorded, the Dog Officer may require the owner to remove the animal from the area of disturbance. If impounded, the owner shall be notified by phone, mail or in person of the animal's confinement. A \$25.00 fine shall be levied against the owner or keeper of an unsprayed female dog, in heat, running at large.
12. Impounded, unlicensed dogs in heat shall be kept for ten (10) days. During such time, a description of the animal will be available at the police station or directly with the dog officer. If the animal is not claimed, it shall be sold to anyone paying the fines and storage of said animal or destroyed in a humane manner.

DEFINITIONS:

The following words and phrases as used in the By-laws, unless the context requires otherwise, shall have the following meanings:

- "Keeper" shall mean person, other than the owner, harboring in his possession any animal. The Keeper shall be held liable for the action of the animal.
- "Owner" shall include corporations, societies, associations and partnerships. Any person who proves ownership of an animal by possession of a current and valid license or other satisfactory proof of ownership.
- "Hunting or Sporting Dog" means an animal under the control and direction of its owner or keeper while used in training or actual hunting. It also includes animals used in events or trials participating under sanctioned competition.
- "Working Dog" refers to an animal used in the performance of a particular set of tasks. The animal must be engaged in such tasks to be exempt from Section 1. Examples include guard dogs, Seeing Eye dogs, and dogs used to control a farmer's herd or flock.

In the event that any provision or section of this By-Law is deemed invalid and unenforceable, all other provisions shall remain in force and in effect."

(added May 8, 1979); (amended May 10, 1983, May 11, 2004)

(Paragraph 7 amended May 10, 1988)

(Paragraph 3 amended March 22, 1994; May 10, 2005)

SECTION XXV PLANNING BOARD FEES

- A. To defray the cost of processing and reviewing plans submitted to the Planning Board for review or endorsement any plan submitted shall be accompanied by the following fee:
 1. Plans requiring endorsement that subdivision approval is not required - five (5) dollars plus three (3) dollars for each lot in excess of two (2).

2. For preliminary subdivision plans - two hundred and fifty (250) dollars plus ten (10) dollars per lot.
 3. For definitive subdivision plans - five hundred (500) dollars plus one hundred (100) dollars per lot.
 4. For plans submitted for site plan review related to special permits, or waivers or requirements concerning number of buildings located on a lot - one hundred (100) dollars plus fifty (50) dollars per dwelling unit.
- B. In no event shall the fees exceed the cost of filing, reviewing, endorsing, processing and storing said plans, including the cost of consulting services. If actual costs are less than fees established, the difference shall be refunded. (added May 14, 1985)

SECTION XXVI STREET NUMBERING

Section 1. HOUSE NUMBERING; HOUSE NUMBERING REQUIRED

All lots, buildings and structures in the Town shall be numbered by the Building Inspector in accordance with the following plan. The Building Inspector shall use the Assessor's Maps, Zoning Map, Town By-Laws and Zoning By-law in existence and as amended and such other guides as determined necessary to ascertain and assign said number.

Section 2. CHART LIST

The Town Clerk shall keep a chart list showing the proper street number of every lot in the Town which shall be checked by all owners or occupants to ascertain their number, and shall be open to inspection by anyone interested.

Section 3. NUMBERS ON HOUSES, BUILDINGS AND STRUCTURES

It shall be the duty of owners and occupants of every house, building or structure in the Town to have placed in a place visible from the street, figures at least two and one-half inches high, showing the number thereon.

Section 4. PENALTY

Whoever violates any provisions of this Article of the By-Laws shall be liable to a penalty of one dollar (\$1.00) per day for each date during or on which failure to so number continues, commencing ten days following date of receipt of written notice from the Town Clerk.

(added May 10, 1988)

SECTION XXVII WATER USE RESTRICTION BY-LAW

Section 1. AUTHORITY

This Bylaw is adopted by the Town under its police powers public health and welfare and its Powers under M.G.L. c, 40, § 21 et seq, and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town's authority under M.G.L. c. 40§41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2. PURPOSE

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duty imposed restrictions, requirements, provisions or conditions imposed by the Town or by Department of Environmental Protection.

Section 3. DEFINITIONS

- Enforcing person(s) shall be those designated by the Board of Public Works or its successors to enforce this Bylaw.
- Person shall mean any individual, corporation thrust, partnership or association, or other entity.
- State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L.c.21G, §15-17.
- State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

- Water Users of Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

Section 4. DECLARATION OF A STATE OF WATER SUPPLY CONSERVATION

The Town, through its Board of Public Works or its successors, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and Conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced. The Board of Public Works or its successors may allow waivers, exceptions or modifications to individual water users for special circumstances.

Section 5. RESTRICTED WATER USES

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- Off/Even Day Outdoor Watering Outdoor watering by water users with off numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- Outdoor Watering Ban Outdoor watering by water users is prohibited.
- Outdoor Watering Hours Outdoor watering by water users is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- Filling Swimming Pools Filling of swimming pools by water users is prohibited.
- Automatic Sprinkler Use The use of automatic sprinkler systems by water users is prohibited.

Section 6: Public NOTIFICATION OF A STATE OF WATER SUPPLY CONSERVATION: NOTIFICATION OF DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Massachusetts Department of Environmental Protection.

Section 7: TERMINATION OF A STATE OF WATER SUPPLY CONSERVATION: NOTICE

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Public Works or its successors, upon a determination that the water supply shortage no longer exists. Public notification of the Termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

Section 8: STATE OF WATER SUPPLY EMERGENCY: COMPLIANCE WITH DEP ORDERS

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, Condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Section 9: PENALTIES

Any person violation this bylaw shall be liable to the Town in and amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Towns water fund. Fines shall be recovered by indictment, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

Section 10. SEVERABILITY

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

SECTION XXVIII BROWNFIELDS TAX ABATEMENT AGREEMENTS

1. PURPOSE

It is intent of the Town of Uxbridge to offer tax abatements pursuant to M.G.L.c59§ 59A, to encourage the continued environmental cleanup and redevelopment of sites zoned for industrial and commercial use from or at

which there has been a release of oil or hazardous material. Definitions of all material terms of this By-Law are those as set forth in M.G.L.C21E.

2. SUBJECT PROPERTIES

Property which may be the subject of tax abatement agreement pursuant to this bylaw must:

1. Be a Site or Portion of a site from or at which there has been a release of oil or hazardous materials;
2. Be owned by an eligible person, as that term is defined in M.G.L.c.,21E§2;
3. Be zoned for commercial or industrial use.

3. ABATEMENT AGREEMENT

1. The Town Manager is hereby authorized to negotiate agreements for the Abatement of real estate taxes (hereinafter, "Abatement Agreements") with owners of eligible properties, the terms of which Abatement Agreements shall be subject to approval by the Board of Selectmen.
2. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or Penalties.
3. Abatement Agreement shall include, but not be limited to:
 - a. The amount of outstanding real estate taxes to be abated which may be up to 100%;
 - b. The percent of interest to accrue if determined applicable by the Town Manager and the property owner.
 - c. The description of quantifiable monthly payments;
 - d. The inception date of monthly payments;
 - e. The date of final payment;
 - f. The late penalties to be imposed; and
 - g. Any and all other contractual terms as arranged between the Town Manager and the property owner.
4. All Abatement Agreements shall be signed by the Chairman of the Board of Selectmen and the property owner, whose signatures shall be notarized, and attested to by the Town Clerk.
5. Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, the Massachusetts Commissioner of Revenue, the Board of Selectmen and property owner.

(added February 4, 2003)

XXIX REVOCATION OR SUSPENSION OF LOCAL LICENSE/PERMITS

- A. The tax collector or other municipal official responsible for records of all municipal taxes, assessment, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provide, however, that written notice is given to the party and the tax collector, as required by fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

- C. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- D. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the hold be given notice and a hearing as required by applicable provisions of law.
- E. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight, bicycle permits; section eleven A of chapter eight-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty- seven of chapter one hundred and forty; fishing hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

(added May 13, 2003)

SECTION XXX

UXBRIDGE LOCAL HISTORIC DISTRICT BY-LAW

The Town of Uxbridge hereby establishes a Local Historic District, to be administered by an Historic District Commission as provided for under Massachusetts General Laws, Chapter 40C (hereinafter called the "Historic Districts Act"), as amended.

1. PURPOSE

The purpose of this by-law is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the Town of Uxbridge, by means of the maintenance and improvement of their settings and the encouragement of new building designs and modifications compatible with the existing architecture.

2. DEFINITIONS

As used in this Bylaw the following terms shall have the following meanings in accordance with the Historic Districts Act:

- **ALTERATIONS, TO ALTER:** The act or the fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition, and other similar activities.
- **BUILDING:** A combination of materials forming a shelter for persons, animals or property.
- **CERTIFICATE:** A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship, as set forth in this By-law.
- **COMMISSION:** The commission acting as the Uxbridge Historic District Commission.

- **CONSTRUCTION; TO CONSTRUCT:** The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
- **DISTRICT:** The Local Historic District as established in this Bylaw consisting of one or more district areas.
- **EXTERIOR ARCHITECTURAL FEATURE:** Such portion of the exterior of a building or structure as is open to view from a public way, public street, public park or public body of water, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.
- **PERSON AGGRIEVED:** The applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.
- **SIGNS:** Any symbol, design or device used to identify or advertise any place of business, product, location, activity or person.
- **STRUCTURE:** A combination of materials other than a building, including, but not limited to, a sign, fence, wall, terrace, walk or driveway.
- **TEMPORARY BUILDING or STRUCTURE:** A building not to be in existence for a period of more than two years. A structure not to be in existence for a period of more than one year.

3. DISTRICT

The District shall consist of one or more district areas as listed in Section Twelve (12) (Appendices) of this by-law.

4. COMMISSION

4.1 There is hereby established pursuant to the provisions of the Historic Districts Act a Historic District Commission which shall be known as and may be referred to as the Uxbridge Historic District Commission (hereinafter called the "Commission").

4.2 The Commission shall consist of five members who shall be appointed by the Board of Selectmen. The Commission shall include one or more residents of or owners of property in the District as shall file application for membership; one member from two nominees submitted by the Uxbridge Historic Society, or in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the chapter of the American Institute of Architects covering the Town of Uxbridge; and one member from two nominees submitted by the board of realtors covering the Town of Uxbridge. If within thirty days after submission of a written request by the Board of Selectmen for nominees to any of the organizations herein named, no nominations have been made, the Board of Selectmen may proceed to appoint members to the Commission without nominations by such organization. The appointments to membership in the Commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. The Board of Selectmen may also appoint not more than three alternate members to serve for terms of three years. Such alternate members, who need not be from nominees of organizations entitled to nominate members, may attend all meetings of the Commission and participate in its discussions, and may vote if designated by the Chairman of the Commission to take the place of a principal member of the Commission in the case of that member's absence, inability to act, or unwillingness to act due to self-interest. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

4.3 Three members of the Commission shall constitute a quorum.

5. POWERS AND DUTIES OF THE COMMISSION

5.1 General Powers and Duties: The Commission shall have jurisdiction over and shall administer any historic districts that are established by the Town of Uxbridge in accordance with and pursuant to the provisions of the Historic Districts Act. In this connection, the Commission shall have all the powers and perform all the duties that are conferred and imposed on the Historic District Commissions by the Historic Districts Act, and by subsequent amendments thereto and which are not inconsistent with the provisions of this bylaw.

5.2 Power to Adopt Rules and Regulations - Notice: The Commission may adopt and amend such rules and regulations for the conduct of its business that are not inconsistent with the provisions of the Historic Districts Act, this by-law, and of subsequent amendments, respectively, thereto. Prior to the adoption of, or the amendment to, any of

its rules or regulations, the Commission shall hold a public hearing for the purpose of considering such proposed rules or regulations or any amendments thereto. Notice of such public hearing shall be given by the publishing of a written notice in a newspaper that has a general circulation in the Town of Uxbridge and by publishing such notice in the Town Hall, at least fourteen days prior to the date that has been set for such hearing. Such notice shall set forth such proposed rules or regulations or amendments thereto, in their entirety, and shall also state the date, time and place that has been set for such hearing. Such rules and regulations shall be adopted and amended in accordance with the Historic Districts Act.

5.3 Power to Employ Assistants, Accept and Expend Money: The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend the same for such purposes.

5.4 Additional Powers: The Commission shall have such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of a Town Meeting and such powers, authority and duties as may be vested in it under the laws of the Commonwealth of Massachusetts.

6. CERTIFICATES

6.1 Except as this by-law otherwise provides in accordance with Section Seven (7) (Exclusions From The Commission's Authority), no building or structure or part thereof within a district shall be constructed or altered in any way that affects the exterior architectural features as visible from a public way, unless the Commission shall first have issued a Certificate Of Appropriateness, Non-Applicability or Hardship with respect to such construction or alteration.

6.2 In accordance with The Historic Districts Act, any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, of Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

6.3 No building permit for construction of a building or structure or for alteration of an exterior architectural feature within a district and no demolition permit for demolition or removal of a building or structure within a district shall be issued by the Town or any department thereof until a Certificate as required under this by-law has been issued by the Commission.

6.4 The Commission shall determine within fourteen (14) days of the filing of an application for a certificate whether said application involves any exterior architectural features which are within the jurisdiction of the commission.

6.5 If the Commission determines that an application for a certificate does not involve any exterior architectural features, or involves an exterior architectural feature which is not subject to review by the Commission under the provisions of this By-law, the Commission shall forthwith issue a Certificate of Non-Applicability.

6.6 If the Commission determines that such application involves any exterior architectural feature subject to review under this by-law, it shall hold a public hearing on the application, as pursuant to the Historic Districts Act.

7. EXCLUSIONS FROM THE COMMISSION'S AUTHORITY

The authority of the Commission shall not extend to the review of any of the following categories of buildings or structures or exterior architectural features in the historic district and, in this event, the buildings or structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the Commission:

7.1 Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may from time to time specify, and subject also, to applicable laws and Town By-laws.

7.2 Terraces, walks, sidewalks, driveway and similar structures, provided that any such structure is substantially at grade level.

7.3 Walls and fences.

7.4 Storm doors and storm windows, screens, window air conditioners, lighting fixtures, antennae, gutters and similar appurtenances.

7.5 The color of paint.

7.6 The color of materials used on roofs.

7.7 Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign for each business in connection with the nonresidential use of each building or structure which is not more than twelve square feet in area, consist of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly.

7.8 Ordinary maintenance, repair or replacement of any exterior architectural feature, which does not involve a change in design, material or the outward appearance thereof.

7.9 The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

7.10 Landscaping with trees shrubs and plants.

8. REVIEW PROCEDURE

Any person who is aggrieved by a determination of the Commission may, within twenty days after the filing of a notice of such determination with the Town Clerk, file a written request for review with the Commission for a review of such determination by a person or persons experienced in such matters, designated by the Central Massachusetts Regional Planning Commission. Upon receipt of such notice of appeal the Commission shall forthwith notify the Central Massachusetts Regional Planning Commission, which shall thereafter designate a person or persons to hold a hearing. A written report of such person's decision shall be filed with the Town Clerk within forty-five days of receipt of notice of appeal by the Commission and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Section Nine (9) (Appeals). The failure of the Commission and/or the Central Massachusetts Planning Commission to comply with the provisions hereof, shall entitle the applicant to such remedies as are then available under the applicable laws of the Commonwealth of Massachusetts.

9. APPEALS

Any person aggrieved by the finding of a person or persons making a review, may, within twenty days after the filing of the notice of such determination or such finding with the Town Clerk, appeal to Worcester Superior Court. The Court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission, or may remand the case for further action by the Commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all right of appeal and exception as in other equity cases. Costs shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith or be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

10. ENFORCEMENT

The enforcement of this by-law and penalties for its violation shall be as prescribed in the Historic Districts Act, as from time to time amended.

11. SEVERABILITY

In case any section, paragraph or part of this by-law is, for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. Unless otherwise provided herein, all terms used in this by-law shall have the same meanings as set forth in the Historic Districts Act, as from time to time amended.

12. APPENDICES

Appendix 1.

The Uxbridge Common and Center Historic District shall be a district area under this by-law. The location and boundaries of the Uxbridge Common and Center Historic District are defined and shown on the Local Historic District Map of the Town of Uxbridge, which is a part of this by-law. The overall location is shown on the Locus Map while the specific boundaries are shown on the Proposed Uxbridge Common and Center Historic District Map based upon the Assessor's Map.

(added 5/11/04)

SECTION XXXI HISTORIC MILL ADAPTIVE REUSE OVERLAY DISTRICT

PURPOSE.

The intent of this section is to create an overlay district that allows for the adaptive reuse of underutilized historic mills and their appurtenant land in the Town of Uxbridge. The primary purposes for the Uxbridge Historic Mill Adaptive Reuse Overlay District (the "Overlay District") are:

1. To promote the economic health and vitality of the Town by encouraging the preservation, reuse, renovation, and redevelopment of underutilized or abandoned historic mill properties;
2. To allow for the conversion of Uxbridge's historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
3. To encourage residential, commercial, and mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and housing.

OVERLAY DISTRICT.

The Uxbridge Historic Mill Adaptive Reuse Overlay District is hereby established as an overlay district. All regulations pertaining to the underlying district(s) shall continue to be in full force and effect, except to the extent that the provisions of this Article modify, amend, or supersede such underlying requirements or provide an alternative to such requirements.

LOCATION.

Any historic mill in the Town of Uxbridge, and related properties, that was in existence in 1900.

PERMITTED USE.

All uses permitted in the underlying zoning districts are permitted uses in the Overlay District.

The following additional uses shall be permitted in the Overlay District:

1. Office for administrative, executive, professional, sales and other similar uses;
2. Retail, service, and restaurant;
3. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club, lodge, or similar uses);
4. Recreational;
5. Residential; and
6. Appropriate accessory uses.

SPECIAL PERMIT REQUIRED.

The proposed adaptive reuse of an historic mill property within the Overlay District may be conducted upon the issuance of a special permit by the Planning Board, in accordance with §_____, Special Permits, and upon site plan approval pursuant to §_____, Site Plan Review, subject to the requirements set forth herein. No other uses of an historic mill property shall be permitted, except as specifically provided herein.

SPECIAL PERMIT GRANTING AUTHORITY.

The Planning Board shall have authority to issue special permits for the adaptive reuse and/or redevelopment of historic mill properties within the Overlay District and shall serve as the Special Permit Granting Authority (SPGA) pursuant to this Article.

APPLICATION.

A. Pre-application review. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's costs of engineering and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.

No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed project.

B. Special Permit/Site Plan Review. An application for a special permit for the adaptive reuse of an historic mill property shall be submitted to the Planning Board on forms furnished by the Planning Board in accordance with §_____, Special Permits. Each such special permit application shall be accompanied by a site plan conforming to the requirements of §_____, as well as the following:

C. Submission requirements.

1. A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one inch equals 20 feet, on standard twenty-four by thirty-six-inch sheets, with narrative information on eight-and-one-half by eleven-inch sheets.
2. A site plan shall include all of the data, details and supporting information as follows:
 - a. The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.
 - b. Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.
 - c. Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - d. All existing lot lines, easements and rights-of-way (including area in acres or square feet), abutting land uses and the location and use of structures within 300 feet of the site.
 - e. The locations and uses of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, and showing all exterior entrances and all anticipated future additions and alterations.
 - f. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.
 - g. The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - h. The location, height, size, materials and design of all proposed signage.
 - i. The location of all present and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive development.
 - j. Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.
 - k. Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet

of the proposed site where ground removal or filling is required and give its approximate volume in cubic yards.

- l. A landscape plan showing existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- m. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.
- n. Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used.
- o. Information on the location, size and type of parking, loading, storage, and service areas; parking calculations based on the requirements of §173-27, Off-street parking, loading and landscaping standards.
- p. For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 25 parking spaces, or for smaller developments located in high density areas, the Planning Board may require a development impact assessment, which shall include the following:

1) Traffic impact assessment.

- (a) Purpose. The assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic.
- (b) Format and scope.
 - i. Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project boundaries.
 - ii. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.
 - iii. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - iv. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
 - v. Traffic assessment data shall be no more than 12 months as of the date of the application.
 - vi. The maximum value of off-site exactions is 6% of the development costs. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.

2) Environmental impact assessment.

- (a) Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.
- (b) Format and scope.
 - i. Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.
 - ii. Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
 - iii. Description of proposed measures for mitigation of any potential adverse impacts identified above.

3) Fiscal impact assessment; format and scope.

- (a) Projections of cost arising from increased demands on public services and infrastructure.

- (b) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
- (c) Projections of the impacts of the proposed development on the values of adjoining properties.
- (d) Five-year projections of increased town revenues and costs resulting from the proposed development.
- 4) Community impact assessment; format and scope.
 - (a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
 - (b) Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - (c) Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.
 - (d) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including an application for utility connection permits.

The Planning Board may waive any of the requirements listed above if it believes that said requirement is not necessary based upon the size and scope of the project.

D. Standards for Review. The Planning Board shall review the site plan and supporting materials, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.

1. Legal. Conformance with the provisions of the bylaws of the town, the General Laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.
2. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3. Parking. Provisions for the off-street loading and unloading of vehicles, incidental to the normal operation of the establishment; adequate parking; adequate lighting; and internal traffic control.
4. Town Services. Reasonable demands placed on town services and infrastructure.
5. Pollution Control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
6. Nuisance. Protection of abutting properties and town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
7. Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is necessary, special attention shall be given to the planting of replacement trees.
8. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.

9. Town Character. The setback areas and location of parking, architectural compatibility, signage and landscaping of the development and how these features harmonize with the surrounding townscape and the natural landscape.

Development Standards.

In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

- A. Density.** For the conversion of an historic mill property that proposes residential uses, the maximum number of dwelling units shall be not exceed fifteen (15) units per gross acre of the combined parcels of the development.
- B. Parking.** Number of Parking Spaces. The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirement of 1.5 spaces per unit. The Planning Board may allow a reduction of the required number of spaces by up to twenty-five percent (25%) if it can be demonstrated that two (2) or more uses within the development can share parking spaces. In determining the appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.
- C. Expansion of Existing Buildings.** Existing buildings, through a special permit under this section, may be expanded provided that such expansion is consistent with the existing building's historic character and scale and does not cause substantial detriment after considering the factors set forth herein.
- D. New Buildings.** New buildings, through a special permit under this section, may be constructed provided that the number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board Approval.

Action by the Planning Board.

The Planning Board after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for the conversion of an historic mill property where it makes the following findings:

- A. The proposed adaptive reuse constitutes an appropriate redevelopment; and
- B. The proposed conversion does not cause substantial detriment to the neighborhood or town after considering the traffic, environmental, fiscal, and community impact assessments.

Growth By-law.

The Historic Mill Adaptive By-law shall be exempt from the Town of Uxbridge Growth Bylaw as adopted at the Annual Town Meeting (Spring 2004) or any other by-laws that control rate of development.

Area Regulations

The Historic Mill Adaptive By-law shall be exempt from the Town of Uxbridge Zoning By-law, Section X Area Regulations a., LOT SIZES, AND FRONTAGES.

TABLE OF DIMENSIONS

USE	FRONT	SIDE	REAR
New Building	15'	10'	10'
Accessory*	10'	10'	10'
Parking area	5'	5'	5'
Driveway	5'	5'	5'

* Any accessory use to the principle use.

Existing structures to be razed may be replaced in and on the original location.
(adopted 11/16/04)

TOWN OF UXBRIDGE PLANNING BOARD REGULATIONS

RULES AND REGULATIONS FOR REVOLVING ACCOUNT

1. PURPOSE

The purpose of these rules and regulations is to implement Section 53G of Chapter 44 of the General Laws of the Commonwealth of Massachusetts. Said Section 53G allows for the imposition of reasonable fees for the employment of outside consultants and for depositing such fees into a special account by the Planning Board.

2. DEFINITION

2.1 The Board shall mean Planning Board as appropriate to the Town of Uxbridge.

2.2 Special account shall mean an account established by the Town Treasurer in the Town treasury, separate and apart from other monies. Interest shall accrue to said special account.

3. FEE

3.1 The Board may, by a majority vote of its members, require any applicant named to deposit with said Board a fee in an amount determined by the Board.

3.2 Such fee shall be reasonable and shall be used at the sole discretion of the Board only for the employment of outside consultant(s) to review plans before it for which the fee was received.

3.3 Said fee shall be paid to the Board in the form of a check payable to the Town of Uxbridge.

3.4 Upon receipt, the Board shall forthwith transfer said fee to the Town Treasurer utilizing a separate departmental receipt form, and the Board shall concurrently notify the Town Accountant of the receipt of such fee.

3.5 Upon receipt, the Town Treasurer shall deposit such fee into a special account. The funds in the special account, including accrued interest, shall be expended at the direction of the Board without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law for the employment of outside consultants only.

3.6 Any excess amount in the special account attributable to a specific project, including any accrued interest, at the Completion of said project, shall be repaid to the applicant or the applicant's successor in interest.

4. CONSULTANT

4.1 Minimum qualifications for consultants retained under these rules and regulations shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue.

4.2 The consultant shall be totally independent of the project at issue, that is, the consultant shall have no direct or indirect interest, financial or otherwise in said project.

4.3 The consultant shall be required to file with the Board an affidavit stating he has no conflict of interest under Massachusetts General Law Chapter 268A.

5. REPORTS

5.1 A final report of said special account shall be made available to the applicant or to the applicant's successor of interest.

5.2 The Board shall be responsible for maintaining separate detailed records of the receipts and disbursements under these rules and regulations for each project.

5.3 The Town Accountant shall submit annually a report of said special account to the Board of Selectmen and Administrative Assistant for their review. Said report shall be published in the Annual Town Report. The Town Accountant shall submit annually a copy of said report to the Director of the Bureau of Accounts.

6. APPEAL

6.1 A person aggrieved by the decision of any Board acting pursuant to these rules and regulations shall have the right to an Administrative Appeal to the Board of Selectmen.

6.2 Such appeal is limited solely and exclusively to the selection of the outside consultant selected by the Board.

6.3 The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.

6.4 The required time limits for action by the Board upon an application shall be extended by the duration of the Administrative Appeal.

6.5 In the event that no decision is made by the Board of Selectmen within thirty (30) days following the filing of the appeal, the selection made shall stand.

6.6 An appeal under these rules and regulations shall not preclude further judicial review, if otherwise permitted by law on the grounds provided for in this section or in Section 53G of Chapter 44 of the Massachusetts General Laws.

7. AUTHORITY

7.1 These rules and regulations are promulgated by the Board pursuant to authority vested in the Board by Section 53G Chapter 44 of the Massachusetts General Law of Commonwealth.

7.2 These rules and regulations are effective on July 1, 1991.

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND UXBRIDGE, MASSACHUSETTS

PURPOSE (Section 31 of Chapter 41 G.L.)

The subdivision control law has been enacted for the purpose of protecting the safety, convenience and welfare of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect by regulating the laying out and construction of ways in subdivisions providing access to the several lots therein, but which have not become public ways, and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas. The powers of a planning board and of a board of appeals under the subdivision control law shall be exercised with due regard for the provisions of adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel; for lessening congestion in such ways and in the adjacent public ways; for reducing danger to life and limb in the operation of motor vehicles; for securing safety in the case of fire, flood, panic and other emergencies; for insuring compliance with the applicable zoning ordinances or by-laws; for securing adequate provisions of water, sewerage, drainage and other requirements where necessary in a subdivision; and for coordinating the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions.

Section 1. AUTHORITY

Under the authority vested in the Planning Board of the Town of Uxbridge by Section 81 of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Uxbridge.

Section 2. GENERAL

DEFINITIONS.

Subdivision shall mean the division of a tract of land into two (2) or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on: (a) a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town

in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Board shall mean the Planning Board of the Town of Uxbridge.

PLAN BELIEVED NOT TO REQUIRE APPROVAL.

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and application (Form A) to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.

If the Board determines that the plan does not require approval, it shall without a public hearing and within fourteen (14) days of submission endorse on the plan the words "Planning Board approval under the subdivision Control Law not required". Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that plan does not require approval under the Subdivision Control Law, it shall within fourteen (14) days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

SUBDIVISION.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town of proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

Section 3. PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS

A. PRELIMINARY PLANS

1. **General.** A Preliminary Plan of a subdivision may be submitted by the subdivider to the Board and the Board of Health for discussion and tentative approval, modification or disapproval by such Board. The submission of such a Preliminary Plan will enable the subdivider, the Board, or other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.
2. **Contents.** The Preliminary Plan may be drawn on tracing paper with pencil at a suitable scale and two (2) prints shall be filed at the office of the Board. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan.

Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges and outcroppings, swamps and water bodies, and existing topography as required, together with the information required by items "a" to "d", inclusive, of the Contents of Definitive Plan (Section 3-B-2). During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section 2-B-2 Contents) and the financial arrangements (Section 3-B-3 Performance Guarantee) will be developed.

3. **Tentative Approval.** The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision but does facilitate the procedure for securing final approval of the Definitive Plan.

B. DEFINITIVE PLAN

1. **General.** Any person who submits a Definitive Plan of subdivision to the Planning Board for approval shall file with the Board the following:

- a. An original drawing of the Definitive Plan and three (3) contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.
- b. A properly executed application (Form B).
- c. A filing fee of twenty-five dollars (\$25.00) for each subdivision section covering less than five (5) acres, payable as below:

For each subdivision section covering five (5) acres or more a fee of Twenty-Five Dollars (\$25.00) plus Three Dollars (\$3.00) per acre (or fraction thereof) over five (5) acres, shall be tendered in cash or by certified check, payable to the Town of Uxbridge.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application (Form B).

- 2. Contents.** The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn. The plan shall be at a scale of one (1) inch equals forty (40) feet or such other scale as the Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information:

- a. Subdivision name, boundaries, north point, date and scale.
- b. Name and address of record owner, subdivider and engineer or surveyor.
- c. Names of all abutters as they appear in the most recent tax list.
- d. Existing and proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until they have been approved by the Board.)
- e. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
- f. Location of all permanent monuments properly identified as to whether existing or proposed.
- g. Location names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.
- h. Suitable space to record the action of the Board and signatures of the members of the Board (or officially authorized persons).

Items i, j and k may be submitted on the same sheet as the Definitive Plan or on separate sheets.

- i. Existing and proposed topography at a suitable contour interval as required by the Board.
- j. Profiles on the exterior lines of proposed streets at a horizontal scale of one (1) inch equals forty (40) feet and vertical scale of one (1) inch equals four (4) feet, or such other scales acceptable to the Board. Reference point for elevations shall be shown.
- k. Proposed layout of storm drainage, water supply and sewage disposal systems.

3. Performance Guarantee

- a. Final approval with bonds or surety. Before approval of a Definitive Plan of a subdivision, the subdivider shall either file a performance bond or deposit money or negotiable securities in an amount determined by the Board to be sufficient to cover the cost of all, or any part of the improvements specified in Section 5, or follow the procedures outlined in "b" below. Such bond or security if filed or deposited shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Selectmen or Town Treasurer and shall be contingent on the completion of such improvements within the time set by the Planning Board.
- b. Final approval with conditions. Instead of filing a bond or depositing surety, the subdivider may request approval of his Definitive Plan on condition that no lot in the subdivision shall be sold and no building shall be erected thereon until the improvements specified in Section 5 are constructed and installed so as to serve the lots adequately. Such conditions shall be endorsed upon the plan or contained in a separate vote or agreement which shall be referred to on the plan and recorded in the Registry of Deeds. When the subdivider has completed the required improvements specified in Section 5 for any lots in a

subdivision, he may request a Release of Conditions for said lots. If the improvements have been completed to the satisfaction of the Board, the Board will then execute and deliver to the subdivider such Release, which shall be in form for recording in the Registry of Deeds. Thereafter the conditions for relating to such lots and so released shall terminate.

4. **Review By Board of Health as to Suitability of the Land.** The planning Board shall within ten (10) days after submission of a plan to it consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing within thirty (30) days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots or land as to which such doubt exists shall not be built upon without prior consent of the Board of Health, and shall endorse on the plan such conditions, specifying the lots or land to which said condition applies.

All lots shall be provided with a cesspool or septic tank and drainfield satisfactory to the Board of Health.

5. **Public Hearing.** Before approval of the Definitive Plan is given a public hearing shall be held by the Planning Board in the manner prescribed by Chapter 41 of the General Laws of Massachusetts.
6. **Certificate of Approval.** The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of a majority of the Board but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with three (3) prints thereof.

Final approval of the Definitive Plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

Section 4. DESIGN STANDARDS

STREETS

1. **Location and Alignment.**
 - a. All streets in the subdivision shall be designed so that, in the opinion of the Board or their consultant, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout of the subdivision.
 - b. The proposed streets shall conform to the Master or Study Plan, if any, as adopted in whole or in part by the Board.
 - c. Provisions satisfactory to the Board shall be made for the proper layout of streets, or for access to adjoining property which is not yet subdivided.
 - d. Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Board, such strips shall be in public interest.
 - e. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.
 - f. The minimum centerline radii of curved streets shall be two hundred (200) feet. Greater radii may be required for principal streets.
 - g. Streets shall be laid out so as to intersect at right angles.
 - h. Property lines at street intersection shall be rounded or cut back to provide for a curb radius or right of way of not less than twenty-five (25) feet.

2. **Width.**

The width of street rights of way shall be based on the following sliding scales:

	<u>RESIDENTIAL</u>	<u>INDUSTRIAL</u>	<u>COMMERCIAL</u>
CULDESAC	50'	50'	50'
PRIMARY	50'	72'*	50'

SECONDARY

50'

50'

50'

*72' WIDTH 6' – 10' "ISLAND" FIRST 500' REDUCED TO 50' THERE AFTER.

3. Grades of Streets.

- a. Grades of streets shall be not less than 0.75% nor more than 8.0%.
- b. Grades or turnarounds on dead-end streets shall not be less than 0.75% nor more than 2.0%.
- c. At points of intersection of any streets, a leveling distance of no less than 80 (eighty) feet shall be provided running at 90 (ninety) degrees to the street of intersection. This leveling distance shall have a grade of not less than 0.75% nor more than 2.0%.

4. Dead-end Streets.

- a. Dead-end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred twenty (120) feet, or such diameters as approved by the Planning Board.
- b. Any street which provides through-traffic using two or more entrances from existing or proposed streets shall be minimum of three hundred (300) feet apart.
- c. A dead-end street shall not be extended to provide egress to itself unless in the opinion of the Planning Board it is necessitated by topography or other local conditions.
- d. A 50' wide right of way shall be provided for the future expansion of the roadway on a dead-end street.

5. Block Length. No block shall exceed one thousand (1,000) feet in length except in an industrial zone.

6. Sight Distance, Intersections and Curvatures. An unobstructed line of sight measures for (4) feet above the center line of the roadway pavement. That distance shall not be less than four hundred (400) feet.

7. Easements

- a. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twenty (20) feet wide.
- b. Where a subdivision is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of a minimum of twenty (20) feet width to conform substantially to the lines of such water course, drainage way, channel or stream, and to provide for construction or other necessary purposes.

8. Open Spaces

Before approval of a plan, the Board may also require the plan to show a park or parks suitably located for playground or recreation purposes. The park or parks shall not be unreasonable in area in relation to the land being subdivided and the prospective uses of such land. The Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval.

9. Protection of Natural Features

Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

10. Environmental Impact Study

An environmental Impact Statement following the Massachusetts Guideline for a M.E.P.A. Study shall be provided at the expense of the developer if in the opinion of the Planning Board an Environmental Impact Statement is necessary to assure the safety, convenience, and welfare of the inhabitants in the proposed subdivision and the town. The Board may require alternate courses of road systems to better protect adjacent wetland areas, in and outside the subdivision.

(Section 4 Revised April, 1987, June 28, 1989, July, 2001)

Section 5. STREET AND ROADWAY REQUIREMENTS AND SPECIFICATIONS.

A. GENERAL REQUIREMENTS

1. Unless otherwise specified, all materials and methods used in the construction of roadways shall conform to the requirements of "The Commonwealth of Massachusetts, Department of Public Works, Standards & Specifications for Highway & Bridges", Latest Edition and any amendments, addition, or subtraction, therefore.
2. Unless otherwise specified, construction standards shall conform to the most current revisions as published by the Massachusetts Department of Public Works.
3. Wherever "The Commonwealth of Massachusetts, Department of Public Works Documentation" is referred to in these rules and regulations the following terms, or pronouns in place of them are used; the intent and meaning shall be interpreted by substitution as follows:

COMMONWEALTH: MASS DPW
DEPARTMENT: DEPARTMENT OF PUBLIC WORKS OF THE TOWN OF UXBRIDGE
ENGINEER: CLERK OF THE WORKS RETAINED JOINTLY BY THE TOWN OF UXBRIDGE
PLANNING BOARD AND DEPARTMENT OF PUBLIC WORKS

4. All work associated with construction of the subdivision as specified in the approval Definitive Plan shall be subject to inspection by the Uxbridge Planning Board and the Uxbridge department of Public Works. Reasonable fees for work to provide inspection of subdivision construction will be imposed and shall be paid by the developer in the form of a check payable to the Town of Uxbridge.

B. Street and Roadway Preparation Requirements

1. The entire area of each street or way shall be cleared of all organics, peats, stumps, brush roots, boulders, like material and all trees not intended for preservation.
2. All loam and other yielding material (peat, soft clay, building debris, or loose fill, etc.) shall be removed from the roadway area of each street or way and replaced with suitable material, compacted soil satisfying MDPW Specification No. M1.01 (ordinary fill).

C. Street and Roadway Specifications

1. All roadway profiles shall be shown on the definitive plan.
2. All roadways shall be brought to a finished grade as shown on the profiles of the definitive plan.
3. All roadways shall have a gravel base and satisfying the MDPW Specification No. M1.03.
4. The gravel base shall be applied in 6" compacted lifts (See Figure 1) and be compacted with a minimum of six passes with an 8,000 lb. Vibratory drum roller. An 8" application of loose material is considered the amount necessary to achieve a 6" compacted lift.
5. The total thickness of the gravel base shall be determined by the road type (see Figure 1), unless specified otherwise, by the planning board.

FIGURE 1 ROAD SPECIFICATIONS (GRAVEL BASE): RESIDENTIAL INDUSTRIAL

ROAD TYPE	THICKNESS	TOTAL LIFTS	NO. THICKNESS	TOTAL NO. LIFTS
PRIMARY	18"	3	18"	3"
SECONDARY	12"	2	18"	3
CULDESAC	12"	2	18"	3

6. The completed gravel surface shall be covered with asphalt for the entire width of the roadway as determined by the Planning Board. (Minimum and maximum width as set by the Planning Board.)
7. The asphalt shall be applied in two phases consisting of a binder layer and a finish layer. The thickness of the pavement will be as shown, (see Figure 2) unless otherwise stated by the Planning Board.

FIGURE 2 ROAD SPECIFICATIONS (ASPHALT TYPE I-I)

ROAD TYPE	BINDER	FINISH	TOTAL THICKNESS
PRIMARY	2 ½"	1 ½"	4"
SECONDARY	2 ½"	1 ½"	4"
CULDESAC	2 ½"	1 ½"	4"
INDUSTRIAL	2 ½"	1 ½"	4"
BUSINESS	2 ½"	1 ½"	4"

8. Curbing shall be sloped granite edging except at catch basins and intersection roundings where vertical granite curb shall be required. Granite transition sections shall be provided at transitions from sloped to vertical curb. Granite curb shall meet Uxbridge DPW specifications.

D. Utilities

1. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Selectmen on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets.
2. Water pipes and related equipment, such as hydrants and main shut-off valves, shall be constructed to serve all lots on each street in the subdivision at the cost of the developer, and in conformity with specifications of the Uxbridge DPW.
3. All utilities servicing lots and/or devices in any subdivision shall be placed underground at the time of initial construction. This shall include but not be limited to electricity, telephone/communication cable, fire alarm cable, water, sewer, drainage, gas, etc. All underground utilities shall be positioned within the street rights of way as Uxbridge DPW design standards may require.
4. Two grass strips shall be required along the roadway with a minimum width of five (5) feet each.

E. Sidewalks

Not less than one (1) sidewalk which is not less than five (5) feet in width shall be constructed on one side of each street.

F. Monuments

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Board, permanent monuments are necessary. Such monuments shall conform to the standard specifications of the Uxbridge Planning Board and shall be set according to such specifications. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

G. Street Signs & Names

1. All street names shall be shown on definitive plan.
2. Street signs shall be installed at all street intersections.

H. Standard Cross Section

Subdivision design and construction shall comply with the Standard Cross Section included herein as Figure 3.

(Section 5 Revised April, 1978, June 28, 1989, July, 2001)

Section 6. ADMINISTRATION

A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

B. Compliance with Zoning By-Law

No plan of subdivision shall be approved unless all of the lots shown on the plan comply with the zoning by-law.

C. One Dwelling Per Lot

Not more than one (1) building designed or available for use for dwelling purposes shall be erected or placed or converted to use, as such on any lot in a subdivision or elsewhere in Uxbridge without consent of the Planning Board.

D. General

For matters not covered by these rules and regulations, reference is made to Sections 81-K to 81-GG, inclusive, of Chapter 41 of the General Laws.

TOWN OF UXBRIDGE ZONING BY-LAWS

SECTION I PURPOSE

The purposes of these by-laws are to promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Uxbridge; to protect and conserve the value of property within the Town; to increase the amenities of the Town; and to lessen the dangers from fire, congestion and confusion, all under the provisions of the General Laws ZONING ENABLING STATUTE of the Commonwealth of Massachusetts.

The height, number of stories, size of buildings and structures, the size, width, and use of lots, the percentage of a lot that may be occupied, the size of courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, and all other purposes are hereby restricted and regulated as hereinafter provided.

The Town of Uxbridge is hereby divided into classes of districts or zones defined and bounded on the Zoning map and is hereby made a part of this by-law. (amended May 9, 1978)

SECTION II EFFECT ON EXISTING USE OF LAND AND BUILDINGS

Any lawful use being made of any buildings, or parcel of land, at the time of the adoption of this by-law may be continued to the extent of that use at the time of the adoption of the by-law.

* These by-laws were adopted on March 12, 1966, approved by the Attorney General on April 20, 1966, and published on May 17, 1967. Subsequent amendments are generally noted.

(Note that Uxbridge has two uncodified zoning enactments, one dealing with uses in special flood hazard and floodway areas and one imposing a temporary moratorium on multi-family dwellings. These enactments have been editorially inserted near related material.)

SECTION III DEFINITIONS

To comprehend fully the purpose of this by-law the following definitions shall apply:

Words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word "shall" is obligatory; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "land" includes the words "marsh" and "water".

1. Accessory purpose and accessory building: A detached subordinate building located on the same lot with the main building or use, but the use of which is incidental to that of the main building or purpose.
2. Apartment house: A building containing three (3) or more apartments or an independent family above the second floor.
3. Alterations: An alteration is a partial replacement, addition, modification, or rearrangement in the structural parts of the building.
4. Boarding House: A building or premises other than a hotel where meals are regularly served by prearrangement for compensation for five (5) or more persons, but not open to transient guests.
5. Building: A building is a combination of materials forming a structure, with or without a roof.
6. New Building: A new building is one erected after the effective date of this by-law.
7. Existing Building: An existing building is one which was already built or in the process of being built under a legal building permit upon the effective date of this by-law.
8. Dwelling-One-Family: A detached building designed for, or occupied exclusively by one (1) family.
9. Garage, Private: A private garage is a building or part of a building in which one (1) or motor vehicles are kept for the private or professional use of the owners, their families and employees.

10. Garage, Public: A public garage is a building or part of a building other than a private garage in which motor vehicles are stored, and in which motor vehicles are kept for sale, rent or hire, exhibition and demonstration or the service and repair of same.
11. Garage, Repair Shop: A garage repair is a business building or part thereof in which repairs are made to motor vehicles.
12. Gasoline Selling Station or Service Station: A gasoline selling station or service station is a building or part of a building and the land thereof used in connection with tanks, pumps and other appliances to supply motor vehicles with gas, air, oil, water and other supplies of that nature, but not for the express purpose of making repairs.
13. Height: The height of a building is the vertical distance from the mean grade of the sidewalks on all abutting streets or the mean grade of the grounds adjoining the building, to the highest point of the roof beams, not including in such measurement of height, cornices which do not extend more than five (5) feet above the highest point of the roof beams, nor enclosures for tanks which do not exceed twenty (20) feet in height above the roof beams and do not exceed in united area ten per cent (10%) of the area of the roof.
14. Half Story: A half story is that part of a building under a sloping roof, the cubic contents of which is never more than seventy per cent (70%) of the cubic contents of the story below.
15. Hereafter: This shall mean after the effective date of this by-law.
16. Heretofore: This shall mean before the effective date of this by-law.
17. Hotel: A building or part thereof used for the occupancy of transient individuals who are lodged with or without meals and where the cooking is done in a central kitchen and not in the separate rooms.
18. Lot: A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory buildings and used together with such yards and other open spaces as are required by this by-law. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress and egress by means of a street or right-of-way.
19. Lot, corner: A lot abutting on two (2) or more streets at their intersection.
20. Lot, Depth: The mean distance between the front and rear lot lines.
21. Lot, Interior: An interior lot is any lot or part of a lot other than a corner lot.
22. Lot, Front Of: The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of a corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot. If the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front either on the principal street or on the street on which the greatest number of buildings have been erected within the same block.
23. Lot Line: A lot line is a division line between adjoining properties, including a division line between individual lots established by a plan filed in the Registry of Deeds.
24. Lot Line, Rear: A rear lot line is the lot line opposite to the street line. In case of a corner lot the owner may designate which line will be the rear lot line, provided his choice does not involve a violation of any of the provisions of these by-laws.
25. Non-conforming Use: A non-conforming use is a use which lawfully occupied a building or land prior to and at the time this by-law became effective, but the use or building does not conform to the regulations for the district in which such use or building exists.
26. Non-conforming Building: A building lawfully existing at the time of this by-law's effectiveness, but a building which does not conform to the regulations of the zone in which it exists.
27. Parking Space: An area sufficient for the parking of an automobile. No such parking space shall be located within the required distances from side and rear lot lines.
28. Private Stable: A private stable is a building or a part thereof in which one (1) or more horses are kept for the private use of the owner or his family, and in which no horses are kept for sale, or hire, or any other business.
29. Public Stable: A public stable is a building or part of a building in which horses are kept for compensation.
30. Setback Line: A setback line is a line outside of and equidistant from the street line and establishes the nearest point to the street line at which the nearest point of a building, including outside vestibule, porch or bulkhead but not including steps, may be erected.
31. Street: The word "street" shall include public ways established by or maintained under public authority, private ways open for public use, and private ways plotted or laid out for ultimate public use, whether or not constructed.
32. Street Line: A street line is a dividing line between a street and a lot.
33. Structure: Anything constructed or erected, which required location on the ground, or attached to something having location on the ground.
34. Sign: Any words, lettering, parts of letters, emblems, devices, designs, figures, phrases, sentences, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an

- association, a corporation, a profession, a business, or a commodity or product, which are visible from a public street or right-of-way and used to attract attention.
35. Story: A story of a building is that part of the building above the basement or cellar and between the top of any tier of floor beams and the top of the tier of floor or roof beams next above. One-half (1/2) story means the space situated in the roof, and arranged or built either for storage or habitation.
36. Side Yard: A side yard is an open space on the same lot with buildings, between the building and the side line of the lot, extending the full width or depth of the building and unoccupied above the ground level except by uncovered steps and projecting eaves.
37. Tourist Camp: A tourist camp is land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by house trailers, tents, or moveable or temporary dwellings, rooms, or sleeping quarters of any kind.
38. Trailer: A trailer is any residence, house car, camp car, or any portable or movable vehicle on wheels, skids, or rollers, not structurally anchored to a foundation, propelled by an attached vehicle or other propelling apparatus, which is used, or may be used for residential, commercial, hauling or storage purposes.
39. Trailer Camp: Any premises used or intended to use for parking two (2) or more trailers constitutes a trailer camp.
40. Yard, Front: An open space on the same lot with the building, between the extreme front line of the building and the street line across the entire front of lot, and unoccupied above ground level except by steps, projecting eaves, uncovered or covered entrance porches on the first floor which do not exceed a total area of fifty (50) square feet.
41. Yard, Rear: An open space extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building.
42. Juice Bars: A place of business for the retail or wholesale of beverages derived wholly or in part from cereals or substitutes therefore and containing less than one-half of one per cent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages of any kind, whether pursuant to an admission charge or not, and whether designated a public gathering place, a private club or otherwise, and whether entertainment of any kind is provided or not into which patrons are either allowed or encouraged to bring their own liquor, beer, wine or other spirituous beverages. The term "Juice Bar" shall not include those premises licensed as common victuallers pursuant to G.L. c. 140, ss.1. through 21, inclusive, those premises licensed for the sale of certain non-intoxicating beverages pursuant to G.L. c. 140, ss.21A through 21D, inclusive, or premises licensed for dispensing of alcoholic beverages pursuant to G.L. c. 138. (Paragraph 42 added on May 13, 1980)
43. Riverfront Area: That area of land situated between a river's mean annual high-water line and a parallel line located two hundred feet away, measured outward horizontally from the river's mean annual high-water line. (Paragraph 43 added on November 18, 2003)
44. Junkyard: Outdoor storage of more than 3 unregistered vehicles, except where expressly authorized in a Class I or Class II Auto License issued by the Board of Selectmen.
45. Antique Motor Car: Any motor vehicle over twenty five years old, which is maintained solely for use in exhibitions, club activities, parades or other functions of public interest and which is not used primarily for transportation of passengers or goods over any way. (Paragraphs 44 & 45 added on 5/11/04)

SECTION IV NON-CONFORMING USES PERMITTED

Any lawful use of a building or part thereof at the time of the adoption of this by-law may be continued although such use does not conform to the provisions of this by-law. Any building occupied by a non-conforming use may be structurally altered or the use of such building changed to any other use not more detrimental to the character of the district in which it is located. Should any non-conforming building occupied by a non-conforming use be destroyed or damaged by fire or other casualty, in whole or in part, it may be replaced by a building to be used for the same purpose as the one destroyed or for any other non-conforming use, always provided that any new use to which the building may be put shall not be more detrimental to the character of the district in which it is located than was the original use. It is also provided that such reconstructed or new building shall not exceed in cubic contents the original building by twenty-five per cent (25%).

If any non-conforming use of a building or structure, or any non-conforming use shall be abandoned or cease for a period of two (2) years, the exceptions granted under this section shall end. Anyone who voluntarily changes from

non-conforming use to a conforming use shall not be permitted to revert to the non-conforming use thereafter.
(amended May 9, 1978)

SECTION V GENERAL PROTECTIVE PROVISIONS

- A. For the purposes of this by-law any lawful building or structure or use of a building, structure or land or part thereof may be constructed, altered, enlarged, and used for any purpose, which does not violate any section of this by-law or any of the provisions of the by-laws of the Town of Uxbridge.
- B. For safety and general welfare all principal buildings designed or intended for residence purposes hereafter erected shall be in a location which fronts upon an accepted street or upon a way of sufficient width to secure safety from fire and to provide adequate light and air.
- C. Any lots recorded at the time of the adoption of this by-law may be used for any permitted use in the district in which the lot is located providing that lots which do not conform are used with the minimum non-conformance as to yards as approved by the Board of Appeals, provided there was, at the effective date of this by-law, no other land under the same ownership available for use, and further provided that any lot on which more than one (1) house existed at the time of the adoption of the by-law may be divided and sold to separate owners.

SECTION VI ESTABLISHMENT OF ZONES AND DETERMINATION OF BOUNDARY LINES

The Town of Uxbridge is hereby divided into seven (7) zones, to known as: 1. RESIDENCE A; 2. RESIDENCE B; 3. RESIDENCE C; 4. AGRICULTURAL; 5. BUSINESS; 6. INDUSTRIAL; and 7. FLOOD PLAIN.

The zones are shown on a map called "TOWN OF UXBRIDGE ZONING MAP, JUNE 1984", which map together with all the boundary lines and designations thereon, is hereby declared a part of this zoning by-law.

The location of the boundary lines shown upon the map shall be determined as follows:

- A. Where the boundary lines are shown upon the map within the street lines of public or private streets or ways, the center lines of such streets or ways shall be the boundary lines.
- B. Where the boundary lines are shown upon the map outside of street lines and approximately parallel thereto, they shall be considered to be parallel to such street lines. The figures placed upon the map between such boundary lines and the street lines shall be the distances in feet of such boundary lines from the street lines, said distances being measured at right angles to the street lines unless otherwise indicated.
- C. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- D. All instances which are not covered by the provisions of paragraphs "a", "b" and "c", the locations of boundary lines shall be determined by the distances in feet, if given, from the other lines upon the map or by the scale of the map.
- E. Whenever any uncertainty exists as to the exact location of a boundary line, the location thereof shall be determined by the Building Inspector. (amended on May 14, 1985)

SECTION VII PERMITTED USES IN VARIOUS ZONES

- A. **RESIDENCE A:** In those portions of the Town so indicated on the accompanying zoning by-law map as RESIDENCE A districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing, or commercial purpose or any purpose except one or more of the following specified uses:

1. Single family detached house.
2. Duplex house.
3. Churches, parish houses, schools, public libraries, public park, public museum, public playground, public recreational building and similar buildings.
4. Public or semi-public institutions of a philanthropic or charitable nature, hospitals, sanitariums, and other medical institutions but not a correctional institution or place of detention.
5. Municipal use.
6. Farm, garden or nursery, selling products the major portion of which are raised on the premises, and excluding any use injurious or offensive to the neighborhood, such as a farm devoted principally to the raising of poultry, horses, domestic animals or other livestock for sale.
7. Accessory use on the same premises with, and customarily incident to any of the permitted uses and not detrimental to a residential neighborhood. The following uses shall be included among those permitted as accessory uses, provided that there shall be no display or advertising except (a) a sign of not more than two (2) square feet in area or (b) real estate signs not over six (6) square feet in area advertising the sale or rental of only the premises on which they are located or (c) bulletin boards not over twelve (12) square feet in area accessory to the uses in clause 3 of this section 7, and further provided that adequate off-street parking space is furnished: office of doctor, dentist, teacher, lawyer, or member of other recognized profession, and the use of a room or rooms in a dwelling for customary home occupation or home occupations carried on by a person or persons resident therein, including, but not limited to, dressmaking and millinery. The term "accessory use" shall not include: (a) a garage for storage of more than three (3) automobiles; (b) storage of more than three (3) automobiles except on a farm; (c) the renting of bedroom space by the week or the furnishing of table board by the week to not over (4) four persons, not members of the family resident on the premises.
8. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:
 - a. Private school, private hospital, sanitarium, convalescent homes, nursing home, home for the aged or like institution. (amended on 11/19/02)
 - b. Any public service building, not including a service station or outside storage of supplies.
 - c. Cemetery or crematory not conducted for profit, funeral home.
 - d. Private club or private stable not conducted for a profit.
 - e. Guest house together with serving meals.
 - f. Farm, truck garden, nursery or greenhouse with less than five (5) acres. (Section f added May 9, 1978)
 - g. The keeping of domestic fowl or domestic animals.
 - h. Garaging and maintaining more than three (3) automobiles of the passenger type. Garaging and maintaining of not more than three (3) automobiles of the commercial type in connection with the uses listed under paragraphs 8a, 8c, 8d or 8f of this section. Garaging and maintaining of any number of automobiles of the passenger or commercial type in connection with the uses listed under paragraphs 3, 4, and 5 of this section 7.
 - i. A building for the exclusive use of the Federal Government or any agency of the Federal Government.
 - j. Removal of sand, gravel, rock, clay, loam, sod, sub-soil, stone, quarried stone, except that no such permission shall be required for the removal of such materials incidental to the excavation necessary for the construction of a building in accordance with a permit which has been issued by the Building Inspector for the construction of a private way in accordance with a subdivision plan which has been approved by the Zoning Inspector and recorded with the Registry of Deeds. No loam shall be removed from Town except with written permission of Selectmen.
 - k. Rooming and lodging houses, boarding houses, nursing homes, convalescent homes and tourist homes which may have one (1) sign with a maximum area of two (2) square feet. (amended on 11/19/02)
 - l. Conversion of a single family dwelling for occupancy by not more than three (3) families provided that the exterior design of the structure is not changed from the character of a single family dwelling and further

provided that the particular dwelling and premises meet the lot and interior area requirements as set forth in this zoning by-law.

9. Apartments provided that the minimum lot size for the first unit must be equal to the minimum lot size for a single family residence and that for each additional apartment dwelling unit, eight thousand (8,000) square feet additional land area would be required and provided also that the front yard must be landscaped and that one and one-half (1-1/2) paved off-street auto parking spaces be required for each apartment dwelling unit. The maximum number of dwelling units per habitable building shall not be greater than four (4) units. (amended on December 3, 1985; May 13, 1986; June 15, 2005)

There shall be a moratorium on the construction of multi-family dwellings (including, but not limited to, town houses, apartments and all high density residential developments and other multi-family dwellings irrespective of the form of ownership) in any district for a period not to exceed two (2) years after date of adoption. This moratorium shall not apply to a proposal to construct a single two family dwelling on a single lot or to any addition or renovation to an existing structure. (adopted October 17, 1985)

During this period, no construction of multi-family dwellings shall be permitted, no permits for construction of multi-family dwellings shall be issued and no site plans proposing the construction of multi-family dwellings shall be approved. This moratorium shall not apply to any building permits lawfully issued prior to October 17, 1985 nor shall it apply to any site plan or subdivision plans approved prior to this date.

The purpose of this moratorium on the construction of multi-family dwellings is to reduce the serious and detrimental impact on the traffic, safety, utilities, schools, environment, neighborhood and other municipal services in Uxbridge. These strains on the Community are a result of the rapidly increasing development of large multi-family housing complexes in the Town. The two (2) year moratorium would provide a period during which the Planning Board and/or citizens can draft and seek adoption of reasonable up-to-date rules, regulations and by-laws governing multi-family development. The Town can then determine its needs in respect to the services which can be provided. This will ensure that services will be adequate and adverse environmental impacts minimal. The Town, under the direction of the Board of Selectmen, will then report to the Annual Town Meeting.

10. Any use determined to be of like character, said determination to be made by the Board of Appeals following petition of the land owner or owners.
11. Any use accessory to the foregoing.
12. Open Space Development
- a. An Open Space Development, for the purpose of this By-Law is a development intended to encourage:
 - i. Optimum utilization of natural land features and characteristics through a greater design flexibility; and
 - ii. The preservation of open spaces for conservation, outdoor recreation or park purposes; and
 - iii. Efficient provision of municipal services; and
 - iv. The retention of the rural setting.
 - b. Definition - For the purposes of this section, an Open Space Development shall mean a tract of land to be developed as an entity by a Landowner with residential buildings comprising two (2) to four (4) dwelling units per building and having an exterior entrance serving no more than two (2) dwelling units.
 - c. Basic Requirements - A proposed planned Open Space Development shall meet the following basic requirements:
 - i. The minimum tract size shall be ten (10) acres.
 - ii. All dwelling units shall be served by municipal water and sewerage which shall be installed at the expense of the developer.
 - iii. No building shall contain more than four (4) dwelling units.

- iv. No dwelling shall be closer than three hundred (300) feet from a lake or pond and one hundred (100) feet from a running, natural stream or river.
- d. Number of Dwelling Units Permitted - The number of dwelling units in a tract shall not exceed three (3) dwelling units per acre inclusive of open space.
- e. Design Requirements
 - i. A minimum distance of sixty (60) feet shall be maintained between structures. Setbacks for structures from private and public roads shall be a minimum of forty (40) feet.
 - ii. All land designated as developed area shall be considered open space except paved roads, parking areas, areas in which structures have been built and areas included in "e,i" above.
 - iii. A minimum of forty percent (40%) of the total tract size shall be set aside, not built upon or paved, but shall be landscaped and/or left in its natural state with an acceptable balance of trees, shrubs and grass and shall be considered open space.
 - iv. A landscaped buffer area of at least one hundred (100) feet in width shall be provided adjacent to each neighboring property line of the tract. All buffer areas shall be planted or preserved in their natural state with a mixture of coniferous and deciduous trees and shrubs and shall be maintained so as to protect adjacent properties with a natural visual barrier. Buffer area shall be considered part of open space.
 - v. Each tract shall include usable recreation areas (ie: tennis, play, swimming, etc.) easily accessible to building complexes of size equal to seven hundred fifty (750) square feet per dwelling unit. Such areas shall not be included in the buffer area.
 - vi. All utilities shall be placed underground.
 - vii. Open space provided in "v" above shall be used for conservation, outdoor recreation or park purposes and shall be of a size and shape appropriate for its intended use as determined by the Planning Board. Such open space land shall be conveyed to all home-owners within such tract jointly or to a trust, the beneficiaries of which shall be the home-owners within such tract. Each trust shall have as one of its purposes the maintenance of such land for conservation, recreation or park purposes.
- f. Relationship to other Town Regulations: Nothing contained herein shall in any way exempt a proposed Open Space Development from compliance with the Subdivision rules and Regulations of the Planning Board and the Department of Public Works nor shall it in any way affect the right of the Board of Health and the Planning Board and the Department of Public Works to approve with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.
- g. The Planning Board is the issuing authority for Open Space Development. It shall not issue approval for an Open Space Development if it appears that, because of soil, drainage, traffic or other conditions, the issuing of such approval would be detrimental to the neighborhood or to the Town or inconsistent with the purpose of Open Space Development. In issuing approval the Planning Board shall impose such additional conditions and safe-guards as public safety, welfare and convenience may require.
- h. Construction: All construction within Open Space Development areas are to comply with the Zoning By-Laws.
- i. Parking Requirements: Minimum of two (2) paved off-street parking spaces shall be provided for each dwelling unit. Each parking area shall be conveniently located to those dwelling units for which they are intended but shall not be located within the designated buffer area.
- j. Height Requirements: The maximum height of any structure shall not exceed thirty-five (35) feet.
- k. Site Plan Review; General: - The application of a planned Open Space Development shall be accompanied by a site plan. The contents of such plan for an Open Space Development shall conform with Section III, paragraph B, sub-paragraph 2 of existing Rules and Regulations governing the contents and preparation of Definitive Plans under subdivision control and shall also include the following:
 - i. Soil culture of land such as wooded pasture, rock outcrops or swampy.

- ii. Proposed landscaping and use of land which is to be reserved for conservation, recreation or park use including any proposed structures. Provided additionally that Open Space Development will only be permitted in the Residence A Zone.

B. RESIDENCE B: In those portions of the Town so indicated on the accompanying zoning by-law map as RESIDENCE B districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing or commercial purpose except one or more of the following uses:

1. Any use permitted in RESIDENCE A district except: Apartments, Rooming Houses, Lodging Houses, Boarding Houses.
2. Such Accessory purposes as are proper and usual with the foregoing and that are not injurious to the neighborhood as a place of residence.
3. Any use determined to be of like character, said determination to be made by the Board of Appeals following petition of the land-owner or owners.

C. RESIDENCE C: In those portions of the Town so indicated on the accompanying zoning by-law map as RESIDENCE C districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing, or commercial purpose except one or more of the following uses:

1. Single family detached house.
2. Churches, parish houses, schools, public libraries, public park, public museum, public playground, public recreational building, and similar buildings.
3. Public or semi-public institutions of a philanthropic or charitable nature. Hospitals, sanitariums, and other medical institutions but not a correctional institution or place of detention.
4. Municipal use.
5. Accessory use on the same premises with, and customarily incident to any of the permitted uses and not detrimental to a residential neighborhood. The following uses shall be included among those permitted as accessory uses, provided that there shall be no display or advertising except: (a) a sign of not more than two (2) square feet in area or (b) real estate signs not over six (6) square feet in area advertising the sale or rental of only the premises on which they are located or (c) bulletin boards not over twelve (12) square feet in area accessory to the uses in clause 3 of this Section 7, and further provided that adequate off-street parking space is furnished: office of doctor, dentist, teacher, lawyer, or member of other recognized profession, and the use of a room or rooms in a dwelling for customary home occupation or home occupations carried on by a person or persons resident therein, including, but not limited to, dressmaking and millinery. The term "accessory use" shall not include: (a) a garage for storage of more than three (3) automobiles; (b) storage of more than three (3) automobiles except on a farm; (c) the renting of bedroom space by the week or the furnishing of table board by the week to not more than four (4) persons, not members of the family resident on the premises.
6. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:
 - a. Private school, private hospital, sanitarium, home for the aged or like institution.
 - b. Cemetery or crematory not conducted for profit, funeral home.
 - c. Private stable not conducted for profit.
 - d. Greenhouse.
 - e. The keeping of domestic fowl or domestic animals.
 - f. Garaging and maintaining more than three (3) automobiles of the passenger type. (amended 11/19/02)
 - g. Removal of sand, gravel, rock, clay, loam, sod, sub-soil, stone, quarried stone, except that no such permission shall be required for the removal of such materials incidental to the excavation necessary for the construction of a building in accordance with a permit which has been issued by the Zoning

Inspector or for the construction of a private way in accordance with a subdivision plan which has been approved by the Building Inspector and recorded with the Registry of Deeds. No loam shall be removed from Town except with written permission of Selectmen.

D. BUSINESS: In those portions of the Town so indicated on the zoning by-law map as BUSINESS districts, the following uses of land, buildings, and structures shall be permitted:

1. Any of the usual wholesale and retail stores that normally serve the shopping needs of the residential population, such as book or news store, drug store, gift shop, haberdashery, food store, and meat market, bakery, etc.
2. Any of the following personal service establishments dealing directly with the consumer: barber shop, beauty shop, beauty parlor, diner, and any other ordinary business of like nature. (amended on 11/19/02)
3. Offices and banks, theatres, bowling alleys, billiard rooms, and motel or hotel, provided that each motel or hotel building is at least one hundred fifty feet (150) from any permanent residential building. (amended on 11/19/02; June 4, 1991)
4. Retail trade or shop for custom work of the manufacturing of articles incidental to a retail business, lawfully conducted on the premises, shall be permitted in a business district, omitting all that would create a nuisance or become hazardous.
5. Any use determined to be of similar nature, said decision to be made by the Board of Appeals following petition of the land-owner or owners.
6. Any use accessory to the foregoing.
7. Any of the following uses may be authorized by a special permit of the Board of Appeals if it finds that the use will not be injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards imposed by the Board of Appeals:
 - a. Laundry, laundromat, dry cleaning establishment.
 - b. Gasoline and oil filling station.
 - c. Lumber, fuel, or ice establishment.
 - d. Commercial garage for storage and maintenance of more than three (3) passenger type vehicles.

(amended 11/19/02)

E. INDUSTRIAL: In those portions of the Town so indicated on the zoning by-law map as INDUSTRIAL districts, the following uses of land, buildings and structures shall be permitted:

1. Any use permitted in BUSINESS districts, exclusive of dwellings; and further provided that no dwellings in this district existing at the time of the adoption of this by-law shall be altered or enlarged to accommodate additional families.
2. General storage yards and trucking yards, provided, however, that no materials which are dangerous, noxious or otherwise detrimental to public health and welfare shall be stored until storage facilities have been inspected and approved by the Fire Department and the Board of Health.
3. Any other lawful industrial use which is not dangerous by reason of fire, explosion or other hazards, or injurious, noxious or detrimental to the Town of Uxbridge or its populace by reason of emission of dust, odors, gas, smoke, vibration or some other nuisance. No permit shall be issued for the establishment, construction or use of any industrial plant, structure or development, nor the extension, alteration, relocation or change in the use of any plant, building, development, until the plans have been approved and the freedom from any danger or nuisance has been ascertained by the Zoning Inspector and the Board of Selectmen advised by competent authority.

4. Any of the following uses authorized by special permit of the Board of Appeals only if it finds that the use will not be injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards imposed by the Board of Appeals:

- a. Stone mason yard
- b. Blacksmith shop.
- c. Contractor supply yard.

(amended 11/19/02)

F. AGRICULTURAL: In those portions of the Town so indicated on the accompanying zoning by-law map as AGRICULTURAL districts, the following uses of land, buildings and structures shall be permitted:

1. Single family detached house, public park, public playground, public recreational building and similar building.
2. In an agricultural district, the Building Inspector shall issue, after holding a public hearing, a permit for the removal of sand, gravel, loam, stone, quarried stone, or the operation of a commercial sand and gravel pit, but said permit shall require as a condition that no loam shall be removed from the Town, and that after completion of the operations, the land shall be left in a condition no less valuable for development and use than when it was before the commencement of operations. Nothing herein contained, however, shall prohibit the removal of stone, sand, loam or gravel in connection with the construction of a building for which a permit has been duly issued, or for the landscaping of a lot from which said stone, sand, loam or gravel is removed, providing that the Building Inspector has been informed in writing of the changes to be made, together with an accurate description of the parcel of land under consideration and further provided that no loam shall be removed from the Town.

Also each applicant shall file with the Planning Board or Board of Selectmen a map or plan prepared at the expense of the applicant, showing the existing contours of the land and the contours as they are proposed after the completion of the operations. Such map or plan shall be accurately drawn on tracing cloth, the contour interval being two (2) feet, and shall contain complete information to make the physical characteristics clear.

The permit granted for the removal of sand, gravel, stone, quarried stone, sub-soil or loam shall state the time within which the work is to be carried on and finished, the extent of operations to be permitted, and predetermined grade to which the land shall be brought at the completion of the operations.

3. Farming, truck gardening, nurseries, greenhouses, and all agricultural and horticultural uses, including farm structures.
4. Dairy farm, poultry farm, livestock farm, riding academy, animal hospital, dog kennel.
5. Country club, golf course, including driving ranges and miniature course. (amended 11/19/02)
6. Drive-in theatres, airports, landing fields. (amended 11/19/02)
7. Accessory use on the same premises with, and customarily incident to any of the permitted uses and not detrimental to a residential neighborhood. The following uses shall be included among those permitted as accessory uses, provided that there shall be no display or advertising except: (a) a sign of not more than two (2) square feet in area or (b) real estate signs not over six (6) square feet in area advertising the sale or rental of only the premises on which they are located or (c) bulletin boards not over twelve (12) square feet in area accessory to the uses in clause 3 of this Section 7, and further provided that adequate off-street parking space is furnished; office of doctor, dentist, teacher, lawyer, or member of a recognized profession and the use of a room or rooms in a dwelling or customary home occupation or home occupations carried on by a person or persons resident therein, including but not limited to, dressmaking and millinery.

The term "accessory use" shall not include: (a) a garage for the storage of more than three (3) automobiles; (b) storage of more than three (3) automobiles except on a farm; (c) the renting of bedroom space by the week or the furnishing of table board by the week to not over four (4) persons, not members of the family resident on the premises.

8. Restaurant, tourist court or motel on a tract of land of at least two (2) acres in area, provided that they are located so that each building is one hundred fifty (150) or more feet from any permanent residential building.
9. Any use determined to be of like character, said determination to be made by the Board of Appeals following petition of the land owner or owners.
10. Any use accessory to the foregoing.
11. Any of the following uses may be authorized by special permit of the Board of Appeals only if it finds that the use will not be injurious or detrimental to the neighborhood, and subject to appropriate conditions and safeguards imposed by the Board of Appeals:
 - a. Private clubs.
 - b. Cemetery.
 - c. Juice bar as accessory to a private club, restaurant, or country club. (amended 11/19/02)

SECTION VII

F.12, CONSERVATION DESIGN DEVELOPMENT

DEFINITIONS

1. **Conservation Design Development** - a detached single-family residential development in which the house lots are clustered together into one or more groups, and each group shall be separated from one another and adjacent properties by permanently protected open space.
2. **Applicant** - Individuals, partnerships, corporations, trusts and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than one percent (1%).
3. **Development Site** - Parcels of land which were at any time after the date of adoption of this conservation design development by-law, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals).
4. **Major Development** - the division of a Development Site located in the Agricultural District into eight or more lots for single-family detached houses.

PURPOSE

The purpose of this Section is to encourage the preservation of open land, to enhance agricultural, open space, forestry and recreational uses; to protect community water supplies, to preserve historical and archaeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Uxbridge's traditional New England landscape; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and for its scenic beauty and to promote the development of affordable housing.

SPECIAL PERMIT REQUIRED

After the effective date of this Section, no Major Development is permitted except in accordance with a special permit for Conservation Design issued by the Planning Board under this Section.

In determining the applicability of this Section, the number of lots constituting a Major Development shall be deemed to include all lots created or proposed to be created from the Development Site after the effective date of this Section, within any five year period.

PRE-APPLICATION CONFERENCE

The applicant is encouraged to schedule a pre-application conference with the Planning Director who may involve other departments as necessary.

PROCEDURES

Applicants for a Conservation Design Development shall file with the Planning Board six copies of each of the following:

1. A plan showing existing site conditions including the following: topography at 2 foot contours, general description of forest cover (i.e. dominant tree species, average stem diameter, etc.), stone walls, streams and ponds, permanently protected open space, wetlands, including vernal pools, floodplains, the view shed, buildings, rock ridges and outcroppings over 100 square feet, right of ways and easements.
2. A development plan conforming to the requirements for a preliminary subdivision plan showing a conventional development of the site. This plan shall be the basis of the Planning Board's determination for the maximum number of dwelling units to be allowed in the subdivision. In addition to the requirements under a preliminary subdivision, such plan shall also indicate slopes over 20%, the results of deep soil test pits and percolation tests at reasonable intervals, but in no case fewer than 10 % of the proposed lots in the conservation design development. Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for a determination of applicability for concurrence of the wetland boundary.
3. Any additional information required by the Planning Board to make the determination and assessments cited herein.

DETERMINATION OF DENSITY

The basic number of lots for single family detached houses in a Conservation Design Major Development shall be that number of lots which could be developed on the Development Site in full conformance with all zoning, subdivision, and other state and local regulations normally applicable to the creation and development of lots for single-family detached houses in the Agricultural District, and without the need for extraordinary engineering measures. The Applicant for a Conservation Design Special Permit shall submit to the Planning Board a density plan, meeting the requirements for a preliminary subdivision plan as provided in the Planning Board's Rules and Regulations for the Subdivision of Land as may be in effect at the time of the submission of the Conservation Design special permit application, and shall be required to demonstrate to the Planning Board's satisfaction that the lots shown on the density plan may be developed without reliance on any waivers from the Rules and Regulations for the Subdivision of Land, without any variances from the Zoning Bylaws or from any other applicable local or state regulation, and without extraordinary engineering measures. The Planning Board's determination of the basic number of lots shall be conclusive, and shall be the maximum number of lots permitted under the Conservation Design special permit unless the Planning Board specifically authorizes an increase in that number as provided below.

INCREASE IN NUMBER OF LOTS

The Planning Board may permit up to a 10% increase in the density of a Conservation Design development if the applicant makes a dedication of land for a public purpose or proposes an access easement to open space, if either, in the opinion of the Board, warrants such an increase. In addition, for land Development Sites in income producing agricultural use at the time of the filing of the Application, and where a significant portion of the Open Space land in the development is proposed to remain in agricultural use, the Planning Board may permit up to a 20% increase in the density of the Conservation Design development.

MODIFICATION OF LOT REQUIREMENTS

In granting a Conservation Design Special Permit, the Planning Board may authorize the modification of frontage, lot size, lot shape, yard, and lot coverage requirements otherwise applicable in the Agricultural District, subject to the following limitations:

1. Each lot shall contain not less than 30,000 square feet in area and shall have frontage of not less than 100 feet, except on a cul-de-sac where each lot shall have frontage of not less than 50 feet.
2. Each lot shall have not less than 50% of the required yard and setback areas.
3. Each lot shall have a maximum coverage by buildings of 25%, and by buildings and other impervious surfaces of 40%.

OPEN SPACE REQUIREMENTS

A minimum of 50% of the Development Site shall be preserved as permanent open space. At least 40% of said parcel shall be contiguous open space, excluding required yards. No more than 25% of the required open space shall consist of wetlands, as defined in M.G.L.c. 131 §40, slopes over 20%, or drainage structures.

1. The required open space shall be used for conservation, agriculture, horticulture, forestry, historic preservation and education, outdoor education, recreation and park purposes, or for a combination of such purposes, as determined by the Planning Board, and shall be provided with suitable access for such purposes.
2. The required open space shall remain un-built upon, provided that 10% of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, including pedestrian walks and bike paths.
3. Underground utilities and drainage structures to serve the Conservation Design Development site may be located within the required open space, subject to the limitations on drainage structures as set forth above.
4. The required open space shall, at the owner's election and with the concurrence of the Town, be conveyed to:
 - a. The Town of Uxbridge or its Conservation Commission;
 - b. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space as set forth above;
 - c. A corporation or trust owned jointly or in common by the owners of lots within the Conservation Design Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Uxbridge to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance and shall grant the town an easement for this purpose. In such event, the town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed and the deed or trust or articles of incorporation shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.
5. The required open space shall be made subject to a permanent conservation restriction, enforceable by the Town and providing that such land shall be perpetually retained and maintained in its natural, scenic and open condition, in agricultural or forest use, and/or for recreational purposes, as required by the Conservation Design Special Permit.

DECISION

The Planning Board may grant a special permit for a Conservation Design development only if it determines that the proposed development conforms to the requirements of this Conservation Design Section of the Zoning By-law, and meets the purposes of this Section.

RELATION TO OTHER REQUIREMENTS

Approval by the Planning Board of a Special Permit under this Section of the Zoning By-Law shall not substitute for compliance with M.G.L.c. 41, §§81K et seq, nor obligate the Planning Board to approve a Definitive Plan for subdivision, nor reduce any time periods for Planning Board consideration under that law. A Definitive Plan designed under an approved Special Permit for Conservation Design Development shall be in substantial conformity with the terms and conditions of said Special Permit, including the Conservation Design plans on which the Special Permit is based.

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.", or take any other action related thereto. (adopted 5/11/04)

FLOOD PLAIN

In those portions of the Town so indicated on the accompanying zoning by-law map as FLOOD PLAIN districts, the following uses of land, buildings, and structure shall be permitted:

- a. Agriculture.
- b. Forestry.
- c. Hunting or fishing.
- d. Temporary buildings.

In those portions of the Town so indicated on the F.E.M.A. flood insurance rate maps dated June 1, 1983, Zones A, A1 through A30 designated as special flood hazards, the following uses of land, buildings and structures exclusive of the floodway shown on the floodway flood boundary maps June 1, 1983 shall be permitted:

- a. Agriculture.
- b. Forestry.
- c. Hunting and fishing.
- d. Boating and boat facilities.
- e. Temporary buildings.

Within Zone A when the base flood elevation is not provided on F.I.R.M., an applicant shall obtain any existing data and it shall be reviewed by the building inspector for its use in meeting requirements in Section 744 of the State Building Code. (adopted May 10, 1983)

SECTION VIII

SUB-SECTION A: SPECIAL USES CONTROLLED

Notwithstanding any provisions contained in Section VII or elsewhere in this By-law to the contrary, any use other than single and two family dwellings, or uses specifically exempt by state or federal law from the imposition of a special permit requirement, which meet or exceed one or more of the following thresholds may be permitted only upon the grant of a special permit by the Planning Board. The Planning Board may grant the special permit only if it finds that the use will not be injurious or detrimental to the neighborhood, and subject to appropriate conditions and safeguards imposed by the Planning Board:

1. Total gross floor area is equal to or greater than 20,000 s.f.
2. The number of parking spaces provided equal or exceed 50.
3. Total trips per day generated by the proposed use or combination of uses on a lot is expected to exceed 400 vehicle trips per day as determined by the Institute of Transportation Engineers (ITE) Trip Generation Manual (6th edition).
4. The proposed use includes a drive-through or drive-up facility. (adopted May 15, 2003)

SUB-SECTION B: PROHIBITED USES

Except where lawfully in existence at the time of this by-law, the following uses shall be prohibited in all districts:

1. Racetracks: A tract of land which is used for the purpose of auto racing, horse racing or dog racing.
2. Commercial jetports, commercial airports, commercial heliports, commercial runways, or commercial landing fields: Commercial is intended to mean business activities which rely on said jetports, airports, heliports, runways or landing fields to generate income, gross receipts and sales but not intended to prohibit use of private aircraft or landing facilities of any business enterprise obtaining approval for same.
3. Billboards: Any sign which is over forty (40) square feet in area. (added May 13, 1986)

4. The manufacture, storage, transportation or disposal of hazardous material as a principal activity, but not including substances intended for use by a Gasoline Selling Station as defined by the Town of Uxbridge Zoning By-Laws, Section III, Definition 12.
5. Junkyard - Antique Motor Cars which are maintained in such a manner that they do not constitute a health hazard and are screened by means of a fence, rapidly growing trees, or shrubbery are exempt from this section of the bylaw. (adopted 5/11/04)
6. The commercial manufacture of electricity through the use of an electrical generating facility or cogeneration facility as a principal activity.
7. Penitentiary.
(amended January 31, 1989)

SECTION IX HEIGHT REGULATIONS OF BUILDINGS OR STRUCTURES

In the districts of the Town of Uxbridge any permitted uses may be built to heights as follows:

- A. In Residence districts A, B, C and in the Agricultural District all structures except as prescribed in paragraph c of this section may be thirty-five (35) feet high and may have two and one-half (2-1/2) stories.
- B. In the Business and Industrial districts, all structures except as prescribed in paragraph c of this section may be forty-five (45) feet high and may have three (3) stories.
- C. In all districts, spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators, flag poles and other appendages customarily carried above the roof, i.e., farm buildings, churches, municipal or institutional buildings, may have any height.

SECTION X AREA REGULATIONS

- A. **LOT SIZES AND FRONTAGES:** No dwelling shall be erected or maintained except on a lot the frontage and areas of which shall be as hereinafter set forth, and only one dwelling and private garage shall be erected or maintained on each of such lots in the Residence Zones.
 1. In the Residence A Zones no dwelling shall be erected or maintained on a lot having a frontage of less than one hundred and twenty-five (125) feet for an interior lot and one hundred and forty (140) feet for a corner lot and having an area of less than twenty thousand (20,000) square feet. (amended December 3, 1985)
 2. In the Residence B Zones no dwelling shall be erected or maintained on a lot having frontage of less than one hundred and eighty-five (185) feet for an interior lot and two hundred (200) feet for a corner lot and having an area of less than forty-three thousand five hundred sixty (43,560) square feet. (amended December 3, 1985)
 3. In the Residence C Zones no dwelling shall be erected or maintained on a lot having a frontage of less than two hundred (200) feet for an interior lot and two hundred feet (200) feet for a corner lot, or having an area of less than one (1) acre. (amended May 13, 1980)
 4. In all Business Zones no dwelling shall be erected or maintained on a lot having a frontage of less than one hundred and twenty-five (125) feet for an interior lot and one hundred and forty (140) feet for a corner lot, or having an area of less than fifteen thousand (15,000) square feet.

5. In the Agricultural Zones no dwelling shall be erected or maintained on a lot having a frontage of less than three hundred (300) feet for an interior lot and three hundred (300) feet on both streets for a corner lot, or having an area of less than two (2) acres. (amended May 13, 1980)
6. In the Industrial Zones no dwelling shall be erected or maintained on a lot having a frontage of less than one hundred and seventy-five (175) feet for an interior lot and two hundred (200) feet for a corner lot, or having an area of less than thirty thousand (30,000) square feet.
7. Nothing contained in this section shall prevent the construction or placing of a building or structure upon a lot having less area or frontage or both than required above, if at the effective date of this by-law, the lot had less area or frontage, or both. Also providing if such less area or frontage, or both, did not result from an attempt to circumvent the intent of this by-law, and, if at the effective date of this by-law, the owner did not have adjoining land available to make up the deficiency in the above requirements. No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking of eminent domain or a conveyance for public purpose.

BOARD OF APPEALS

The Zoning Board of Appeals shall be authorized: To hear and decide appeals by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Massachusetts General Laws, Chapter 40A, the Central Massachusetts Regional Planning Commission or by any person including an officer of a Board of the Town or of an abutting City or Town aggrieved by an order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A or of this Bylaw. To hear and decide application for Special Permits as provided for in this By-Law, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board. To grant upon appeal or upon petition with respect to particular land or structures a variance from the dimensional requirements of this By-Law, but not including variance for use.

In exercising the powers granted by this Section, the Zoning Board of Appeals may make orders or decisions, reverse or affirm in whole or in part or modify any order or decision and to that end shall have all the power of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

SET BACKS

B. FRONT YARDS AND BUILDING SETBACKS: Front yard and building setback requirements for the various zones shall be as follows:

1. In the Residence A, Residence B and Business Zones no building or part thereof shall be erected nearer than thirty (30) feet to the line of the street upon which it fronts and no detached garage or other accessory building shall be erected nearer than sixty-five (65) feet to the line of the street upon which it fronts. In the case of a corner lot these same setback requirements shall apply on both streets.
2. In the Residence C and Agricultural Zones no building or part thereof shall be erected nearer than forty (40) feet to the line of the street upon which it fronts. In the Residence C and Agricultural Zones, no detached garage or other accessory building shall be erected nearer than seventy-five (75) feet to the line of the street upon which the house fronts. In the case of a corner lot all the requirements of this paragraph shall apply on both streets.
3. In the Industrial Zones no building or part thereof shall be erected nearer than thirty (30) feet to the line of the street upon which it fronts. In the case of a corner lot these same setback requirements shall apply on both streets.

C. SIDE YARDS: The side yard requirements for the various zones shall be as follows:

Zone A & B

1. In the Residence A, Residence B and Business Zones no building except a detached accessory building shall be erected or maintained nearer than twenty-five (25) feet to a side lot line. No detached garage or other accessory building shall be erected or maintained nearer than five (5) feet to a side lot line. On a lot abutting

on two intersecting streets the side yard along the side street shall conform to the setback requirements, as stated in paragraph 1, part b of this Section X.

Zone C & Agricultural

2. In the Residence C and Agricultural Zones no building except a detached accessory building shall be erected or maintained nearer than thirty (30) feet to a side line. No detached garage or other accessory building shall be erected or maintained nearer than ten (10) feet to a side lot line. On a lot abutting on two intersecting streets the side yard along the side street shall conform to the setback requirements as stated in paragraph 2, part b of this Section X.

Industrial

3. In the Industrial Zones the side yard requirements will be that no building shall be erected or maintained nearer than thirty (30) feet to a side lot line.

D. REAR YARDS: The rear yard requirements for the various zones shall be as follows:

1. In the Residence A, Residence B, and Business Zones, no building except a detached accessory building shall be erected or maintained nearer than thirty (30) feet to a rear lot line. No detached garage or other accessory building shall be erected or maintained nearer than five (5) feet to a rear lot line.
2. In the Residence C and Agricultural Zones no building, except a detached garage or other accessory building, shall be erected or maintained nearer to a rear lot line than forty (40) feet or twenty-five per cent (25%) of the lot depth, whichever is the lesser, provided the twenty-five per cent (25%) of the lot depth does not fall below thirty (30) feet. No detached garage or other accessory building shall be erected or maintained nearer than ten (10) feet to a rear lot line.
3. In the Industrial Zones all buildings and detached accessory buildings shall be constructed and maintained not nearer than twenty (20) feet from a rear lot line.

E. PROJECTIONS:

1. Nothing in this section shall prevent the projection of steps, eaves, chimneys, cornices and similar features into any specified yard or open space.

F. VISION CLEARANCE:

1. On corner lots in all the various zoned districts of the Town, no building, fence or other structure shall be erected and no tree, hedge or other vegetation shall be planted or allowed to exist which prevents an unobstructed view through the space between three (3) feet and eight (8) feet above the ground within the area formed by the intersecting street lines forming the corner of the intersecting streets and a line joining points on such lines twenty-five (25) feet distant from the point of intersection of said street lines.

G. GENERAL:

1. No yard, lot area or other open space required for a building by this by-law shall during the existence of such building be occupied by or counted as open space for another building. No lot area shall be subdivided or diminished so that the provisions of this article are reduced below the minimum requirements, except in the case of a land taking by eminent domain.

H. CONTIGUOUS BUILDABLE LOT AREA:

No lot created after the adoption of this subsection h may be built upon unless it contains a contiguous upland area equal to at least sixty percent (60%) of the minimum lot area required for the zoning district in which the lot is located. For purposes of this subsection, contiguous upland area shall mean a contiguous area of land, exclusive of any non-riverfront resource area subject to regulation under G.L.c.131, s. 40, within which any building(s) to be constructed on the lot shall be located. At the time a building permit application is submitted for a lot created after the adoption of subsection h, the Building Inspector shall require that the boundaries of any non-riverfront resource areas located on such lot be delineated by a wetland scientist or botanist and verified by the Conservation Commission. (added Nov. 18, 2003)

DEFINITION: "Riverfront area", shall mean that area of land situated between a river's mean annual high-water line and a parallel line located two hundred feet away, measured outward horizontally from the river's mean annual high-water line.

SECTION XI TRAILERS

No tourist camp or trailer park will be permitted to locate within boundaries of the Town and no individual house trailer or mobile home shall be located within the boundaries of said Town for a period exceeding fourteen (14) days.

Construction trailers will be allowed for a period not to exceed one (1) year*. A permit for construction trailers must be obtained from the Zoning Inspector. This Zoning law is not to apply to individual house trailers that are permanently located within the Town at the time of the adoption of this by-law.

* Said trailer not to be used for living quarters.

SECTION XII JUNK CARS

No junk cars shall be located within the boundaries of the Town of Uxbridge unless a special permit therefore has been obtained in accordance with Section VII.

SECTION XIII ADMINISTRATION

A. ENFORCEMENT: The provision of this by-law shall be enforced by the Board of Selectmen as provided in Chapter 40A, General Laws of the Commonwealth of Massachusetts. No permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provisions of this by-law.

With each application for a permit to build, there shall be filed a plan showing the lot, the area and location of which justify the building, and showing separately each open space appurtenant thereto.

Whenever any permit or license is refused because of some provision of this by-law, the reason therefore shall be clearly stated in writing.

No building hereafter erected, altered or relocated shall be used and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by a duly authorized person has been granted to the owner or occupant of such land or building. Such permit will not be granted unless the intended use of the land or building and any other necessary uses comply with this by-law. No other use shall be made of such land or building except that which is explicitly stated by such occupancy permit.

B. ADMINISTRATION, GROWTH MANAGEMENT

1. Purposes

The purposes of the Growth Management By-Law (the "By-Law") are: (1) to preserve and promote the public health, safety, welfare, education and community character of the Town of Uxbridge (the "Town") by maintaining the growth of the Town at a manageable rate; and (2) to ensure adequate time exists for the Town to expand its resources to provide those services necessary to meet the educational, infrastructure and public safety needs of the residents. The Town's growth rate should not exceed its ability to provide adequate schools, roads, police and fire protection, and other municipal services necessary and appropriate to safeguard the health, welfare and safety of current and future residents.

2. Definitions

- 1) APPLICANT – Individuals or partnerships, corporations, trusts and other legal entities, in which the applicant of record holds a legal or beneficial ownership of greater than one percent (1%).
- 2) DWELLING - A building, or any part thereof, containing accommodations for permanent human occupancy including one and two family houses, condominiums, apartments, and boarding or lodging houses, but not including transient accommodations such as in hotels or motels.
- 3) DWELLING UNIT - One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.
- 4) DEVELOPMENT - Lots which were at any time after the date of adoption of this growth management bylaw, part of contiguous property under common ownership (or in different ownerships each involving one or more of the same principals).

3. Applicability

The By-law shall apply to all applications for residential building permits for construction of new residential dwelling units submitted after the effective date of this By-law, except as expressly exempted in Section 6 herein. The By-law shall apply to all residential dwelling units whether they be single-family dwelling units or units in multi- family dwellings. The By-law shall be effective through June 30, 2009. The By-law may be extended for up to five years, to achieve its purposes without lapse of its provisions, conditions and limitations by majority vote of a Town Meeting prior to June 30, 2009.

4. New Building Permit Limitations

- a. There shall be a limit on the issuance of building permits town-wide so as to limit the construction of or conversion to residential dwelling units to 60 units per twelve month period. 24 of the aforementioned 60 permits shall be made available, at the rate of no more than 2 permits per month. Any building permits that have not been issued by the end of the year shall expire.
- b. Building permits issued for dwelling units on lots which are exempted from operation of this Growth Management Bylaw by G.L.c.40A, §6 will not be counted toward the 60 permit limit.
- c. Building permits shall not be issued authorizing construction of or conversion to more than five (5) residential dwelling units (exclusive of permits withdrawn or expired without use) in one Development or to any Applicant (or set of Applicants involving one or more of the same principals) in any twelve-month period unless the Planning Board has granted a special permit for rapid development. It is recognized that under state law, certain subdivisions and lots will be grandfathered and will, therefore, not be subject to the 5 permit limit established by this Section.
- d. Special permits for rapid development shall be granted only upon a determination by the Planning Board that such development also would serve a significant housing need, would be unfeasible if limited to five (5) residential dwelling units over twelve months, and would not overburden public services.

5. Procedures

The application procedures for obtaining such building permits referred to herein shall be as follows:

- a. The Building Department ("Department") will accept applications for building permits on a first come, first served basis during normal business hours. The Applicant may not submit more building permit applications during any period than for that number of residential dwelling units to which the Applicant is entitled during such period in accordance with this By-law.
- b. The Department shall not accept building permit applications for a greater number of residential dwellings units than may be permitted during any month in accordance with this By-Law.
- c. Building permit application packages that are deemed by the Building Inspector to be incomplete or are rejected for any reason will be returned to the Applicant. The Applicant may then file a new application for a building permit. If a building permit application is accepted by the Department, a building permit may be issued at any time within thirty (30) days of such submission.

6. Exemptions

The following building permits are specifically exempt from this By-law and shall not count toward the Building Permit Limitations set forth in Section 4 herein:

- a. Restoration, expansion, alteration, or reconstruction of a dwelling built as of the effective date of this By-law, in law apartments, provided that no additional residential unit is created.

- b. Any dwelling unit to be built under any program or statute intended to assist in the construction of housing for low or moderate-income households that count for the purposes of G.L.c40B.
- c. Structures for non-residential purposes. (adopted 5/11/04)
- d. Not more than twenty (20) dwelling units per year in a Conservation Design Development being developed pursuant to a special permit on land that was shown on a preliminary or definitive subdivision plan filed before May 11, 2004, provided further that if an owner of land shown on a preliminary or definitive subdivision plan filed before May 11, 2004 applies for a Conservation Design Development special permit, which is not granted the provision of this Section 13 shall not apply to the land shown on said preliminary or definitive plan until this Section 13 would otherwise have become applicable. Or the purpose of preliminary plans filed before May 11, 2004, the exemption provided by this section shall apply despite the fact that a definitive plan was not filed within 9 months of the preliminary plan, provided the definitive plan is filed within ninety (90) days of the date on which the special permit is denied. (added 2/1/05)

SECTION XIV BOARD OF APPEALS

Appeals to a Board of Appeals established in conformity with Sections 13, 14, and 15, Chapter 40A, General Laws of Massachusetts may be taken by any officer or board of the Town, or by any person aggrieved by any order or decision of the Board of Selectmen or the Zoning Inspector by filing a written claim of appeal, signed by the aggrieved party or his authorized agent, with the Board of Appeals within ten (10) days from the date of the refusal to issue or publication of the notice of granting of such order or permit.

The Board of Appeals shall consist of three (3) members and two (2) associate members appointed by the Board of Selectmen as provided in Chapter 40A, General Laws, Commonwealth of Massachusetts.

SECTION XV AMENDMENTS

ZONING CHANGE

The provisions of this by-law may be altered by amendment, addition or repeal by a town meeting in the manner provided by law. All petitions for amendment shall be filed with the Town Clerk, who shall transmit true copies of the petitions for amendment to the Board of Selectmen and the Planning Board. After a duly advertised public hearing has been held by the Planning Board with its resultant recommendations, the Board of Selectmen shall insert in the warrant for the town meeting an article or articles setting forth the subject matter of all such petitions for amendment.

SECTION XVI EXISTING BY-LAWS NOT REPEALED

Nothing contained in this zoning by-law shall be interpreted as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. If this by-law imposes greater restrictions upon the use of buildings, or requires larger yards, or open spaces than other by-laws or provisions of law such greater restrictions shall prevail.

All by-laws or parts of by-laws heretofore adopted, which are inconsistent with the provisions of this by-law are hereby repealed.

SECTION XVII ADULT ENTERTAINMENT

AUTHORITY.

This bylaw is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of limiting the location of and

preventing the clustering and concentration of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

PURPOSE.

It is the purpose of this Adult Entertainment bylaw to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts to public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties and impacts on the quality of life in Town. All of said adverse impacts are adverse to the health, safety and general welfare of the Town Of Uxbridge and its inhabitants. The provisions of this bylaw have neither the purpose nor intent of imposing a limitation on the content of any materials. Similarly, it is not the purpose or intent of this bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors of exhibitors of such matter or materials may have to sell, rent distribute or exhibit such matter or materials. Neither is it the purpose or intent of this by-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

ADULT ENTERTAINMENT ZONE.

Adult Entertainment establishments shall be permitted only in areas zoned Industrial, by Special Permit of the Planning Board.

DEFINITIONS.

The following definitions shall apply to this zoning bylaw article. Adult entertainment uses shall include the following uses:

- a. Adult Bookstores, as defined by M.G.L., c. 40A, §9A.
- b. Adult Motion Picture Theaters, as defined by M.G.L., c. 40A, §9A.
- c. Adult Paraphernalia Store, as defined by M.G.L., c. 40A, §9A.
- d. Adult Video Store, as defined by M.G.L., c.40A, §9A.
- e. Establishments Which Displays Live Nudity for Its Patrons, as defined by M.G.L., c. 40A, §9A.

ADULT ENTERTAINMENT USES BY SPECIAL PERMIT: CRITERIA.

Adult entertainment uses shall be prohibited in all zoning districts except as otherwise permitted by this bylaw and may be permitted only upon the grant of a special permit by the Planning Board. Such a special permit shall not be granted unless each of the following standards has been met.

- a. The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
- b. No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, §63, or M.G.L. Chapter 272, §28.
- c. Adult uses shall not be located within:
 1. 1,000 feet from the nearest church, school, park, playground, play-field, youth center, or 1000 feet from any school bus stop. (The attorney general did not approve the section that stated "or other location where groups of minors regularly congregate" Therefore these words have been deleted from the original article)
 2. 1,000 feet from the nearest establishment licensed under M.G.L. Chapter 138, §12; or
 3. 500 feet from the nearest adult entertainment use as defined herein; or
 4. 1000 feet from the nearest residential zoning district.

The distances specified above shall measure by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any other designated uses set forth above.

- d. All building openings, entries or windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

- e. No adult uses shall be allowed for display or advertisement or other purposes any sign, placard or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L., Chapter 272, §32.
- f. No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or to allow minors to view displays or linger on the premises.
- g. The proposed adult entertainment uses shall comply with all of the parking requirements set forth by this bylaw.
- h. No adult entertainment use shall have a freestanding accessory sign. No adult entertainment use shall be established prior to the submission and approval of a site plan by the Planning Board.

CONDITIONS.

The Planning Board may impose reasonable conditions, safeguards and limitations on time or use of any special permit granted and shall require that any such permit shall be personal to the applicant, shall not run with the land, and shall expire upon sale or transfer of the subject property.

EXPIRATION.

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter provided that a written request for such renewal is made to the Planning Board prior to said expiration and that no objection to said renewal is made and sustained by the Planning Board based upon the public safety factors applied at the time that the original special permit was granted.

SEVERABILITY.

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.” (added 11/18/03)

SECTION XVIII VALIDITY

The invalidity of any section or provision of this by-law, or of any district or part thereof as laid down upon the zoning map, shall not invalidate any other section or provision of the by-law, or of any other district or part thereof as laid down upon the zoning map. It is hereby declared to be the intent of the Town that said provisions would have been adopted in the event that such invalid or unconstitutional provision had not been included herein.

EFFECTIVE DATE

This by-law shall take effect upon adoption by the Town, the approval of the Attorney General of the Commonwealth of Massachusetts and publication as provided by law.

SECTION XIX GROUNDWATER PROTECTION OVERLAY DISTRICT

1. PURPOSES

The purpose of this section is to preserve the public health by protecting the Town's groundwater resources from contamination.

2. ESTABLISHMENT AND DELINEATION OF THE GROUNDWATER PROTECTION DISTRICT(S)

For the purpose of this Section, there is hereby established within the Town certain groundwater protection districts consisting of municipal wellfields, aquifers and/or aquifer recharge areas. The boundaries of these districts(s) are delineated on a map on file in the office of the Town Clerk entitled (Groundwater Protection District(s), Town of Uxbridge dated April 1, 1991.

3. USE REGULATIONS

The Groundwater Protection District(s) shall be considered as overlaying other zoning districts and the regulations contained herein shall be in addition to the regulations in the underlying zoning districts.

- A. The following uses are prohibited in the Groundwater Protection District(s) unless a special permit is granted by the Zoning Board of Appeals upon a finding that the proposed use will not adversely affect the groundwater or public health:
1. Aboveground storage of all petroleum products and toxic or hazardous materials without leak containment designed, constructed and operated to specifications acceptable to the Uxbridge Fire Department. (527 CMR 14:00 and 310 CMR 30:00 limits apply)
 2. Underground storage of all petroleum products and toxic or hazardous materials.
 3. Junk and salvage yards (as defined by MGL Chapter 140, Section 58, class 3).
 4. Landfills (as defined by 310 CMR 19:00)
 5. Commercial and industrial on site sanitary and process waste disposal.
 6. Landfilling of sewage sludge, sewage sludge ash, septage, and related residues.
 7. Land application of Type II & Type III sludge & septage (as defined by 310 CMR 32:00)
 8. Facilities that generate, treat, store or dispose of hazardous waste (as defined by MGL 21C and 310 CMR 22:21 and 30:00)

In the event that the Zoning Board of Appeals grants a special permit for a use otherwise prohibited under this section, said special permit may only be granted upon approval of and subject to conditions recommended to the Zoning Board of Appeals by the Board of Public Works, the Fire Chief, The Hazardous Waste Coordinator(s) and the Board of Health.

The Zoning Board of Appeals shall notify in writing the above mentioned Boards or officials that a Special Use Permit has been applied for in the Groundwater Protection District within seven days after receiving said application. Failure of a Board or official to respond in person or in writing at the time of the initial ZBA hearing shall be deemed an approval of the application.

B. Uses Permitted:

1. All uses allowed by underlying Zoning Regulations which are not specifically prohibited under Section 3A.

4. NONCONFORMING USES

Nonconforming uses which are lawfully existing at the time of the adoption of this section may be continued. Such nonconforming uses may be extended or altered, as specified in MGL Chapter 40A, Section 6, as amended, and Section IV of the Uxbridge Zoning Bylaws, provided that any change to such nonconforming use conforms to the requirements of Section 3 above.

(amended May 11, 1993)

APPENDIX

TABLE OF AREA REGULATIONS

YARDS

Zone	Area (sq.ft.)	Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)
RESIDENCE A	20,000		30*	25	30
Interior Lot		125			
Corner Lot		140			
Accessory Bldg.			65*	5	5
RESIDENCE B	43,560		30*	25	30
Interior Lot		185			
Corner Lot		200			
Accessory Bldg.			65*	5	5
RESIDENCE C	1 acre		40*	30	40 or 25%**
Interior Lot		200			
Corner Lot		200			
Accessory Bldg.			75*	10	10
BUSINESS	15,000		30*	25	30
Interior Lot		125			
Corner Lot		140			
Accessory Bldg.			65*	5	5
AGRICULTURAL	2 acres		40*	30	40 or 25%**
Interior Lot		300			
Corner Lot		300			
Accessory Bldg.			75*	10	10
INDUSTRIAL	30,000		30*	30	20
Interior Lot		175			
Corner Lot		200			
Accessory Bldg.					

* In the case of a corner lot these same setback requirements shall apply on both streets.

** No building, other than accessory, shall be erected or maintained nearer to a rear lot line than forty (40) feet or twenty-five (25) per cent of the lot depth, whichever is the lesser, provided the twenty-five (25) per cent of the lot depth does not fall below thirty (30) feet.

NOTE: See also Section X of this by-law.

TABLE OF HEIGHT REGULATIONS

Zone	Height	Stories
RESIDENCE A	35	2-1/2
RESIDENCE B	35	2-1/2
RESIDENCE C	35	2-1/2
BUSINESS	45	3
AGRICULTURAL	35	2-1/2
INDUSTRIAL	45	3
FLOOD PLAIN		

NOTE: SEE also Section IX of this By-Law.

CHANGES TO ZONING

Article 12. Special Town Meeting (February 1, 1988)

Moved that the Town vote to amend the Zoning By-Law of the Town of Uxbridge by amending the Town of Uxbridge Zoning Map to rezone the area known as "Crown and Eagle" from "Industrial" to "Residence A" and to rezone the area known as "Gray Rock Estates" from "Residence B" to "Residence A". The land to be rezoned as "Residence A" consists of that land bounded to the north by Hartford Ave. East, to the east by Granite St., to the south by the southern boundary of Gray Rock Estates Sub-division and the southern boundary of the Crown & Eagle and to the west by the western boundary of the Crown & Eagle.

Said land includes all or part of those parcels identified on an Uxbridge Assessors' Map 47 as parcels 1, 118, 118A, 118B, 118C, excluding, however, therefrom, lots 1,2,3,4,5,6,7,8 and 10 all as shown on the plan known as Gray Rock Estates.

Article 19. Special Town Meeting (February 1, 1988)

Moved that the Town will vote to amend the Zoning By-Laws of the Town of Uxbridge and the Zoning Map of the Town of Uxbridge to extend the Business District to include the following parcel located on Ironstone Street, also known as the Quaker Highway (Route 146A) in the Town of Uxbridge, Massachusetts containing 6.90 Acres and being particularly bounded and described as follows:

- Beginning at a point on the easterly side of Ironstone Street also known as Quaker Highway (Route 146A),
- THENCE S. 82 degrees 50 minutes 38 seconds E., 397.6 feet to a point at other land of Ironstone Village Realty Trust;
- THENCE S. 82 degrees 47 minutes 30 seconds E., 181.26 feet by other land of Ironstone realty trust to an iron pin;
- THENCE S. 32 degrees 21 minutes 30 seconds E., 420.71 feet by land of Scungio, Petrowicz and McNamara to a point;
- THENCE S. 57 degrees 38 minutes 30 seconds W., 120.43 feet by land now or formerly of Tucker to a point;
- THENCE northerly for a curved distance of 404.25 feet by Route 146A to the point of beginning.

Article 20. Special Town Meeting (February 1, 1988)

Moved that the Town will vote to amend the Zoning By-Laws of the Town and the Zoning Map of the Town of Uxbridge adopted under Article 23 of the warrant for the 1985 Annual Town Meeting and incorporated into the Town Zoning By-laws by changing the zoning designation of the parcel of land described herein below from Agricultural to Business. The parcel to be re-zoned is described as follows, to-wit:

- Beginning at a point on the southerly sideline of Douglas Street (Route 16) at the southwesterly corner of land now or formerly of Griffiths, said point being the northerly most point of the described parcel; thence,
- S-34-12-58-E, by a stonewall 128.81 feet to a point; thence,
- S-15-08-59-E, by said stonewall 98.78 feet to a drill hole in the wall; thence,
- S-17-19-30-E, by said stonewall 28.93 feet to a drill hole in the wall; thence,
- S-24-49-17-E, by said stonewall 153.50 feet to a drill hole in the wall; thence,
- S-30-01-58-E, by said stonewall 242.32 feet to a drill hole in the wall; thence,
- S-34-08-16-E, by said stonewall 60.58 feet to a point; thence,
- S-44-00-08-E, by said stonewall 112.28 feet to a drill hole in the wall; thence,
- S-56-50-08-E, by said stonewall 103.69 feet to a drill hole in the wall; thence,
- S-59-25-20-E, by said stonewall 227.66 feet to a corner of walls; thence,
- Southwesterly 470.78 feet by a stonewall to a point on the northerly sideline of the State Highway Layout of Route 146; thence,
- N-55-17-43-W, along said northerly sideline of Route 146, 427.53 feet to a point; thence,
- N-39-02-03-W, along said northerly sideline of Route 146, 460.00 feet to a Massachusetts Highway Bound; thence,
- N-06-59-17-E, along the sideline of Route 146, 193.05 feet to a Massachusetts Highway Bound at the southerly sideline of Douglas Street (Route 16); thence,

- N-65-52-16-E, along the southerly sideline of said Douglas Street, 236.93 feet to a Massachusetts Highway Bound; thence,
- N-23-11-10-E, along the southerly sideline of said Douglas Street, 24.85 feet to a point on the Worcester County Highway Layout of Douglas Street; thence,
- N-66-51-20-E, along said Douglas Street sideline 13.38 feet to a point; thence,
- Along said Douglas Street sideline by a curve deflecting to the right, having a radius of 6270.62 feet, a length of 201.16 feet to the point of beginning.
- Being shown on a plan entitled "Plan of Land in Uxbridge, Mass. Owned by Albert E. & Gertrude I. Staves, Scale: 1"=50' dated April 2, 1987, by Andrews Survey & Engineering, Inc., Uxbridge, Mass."

The above described parcel contains 10.87 acres more or less.

Article 1. Special Town Meeting (June 29, 2000)

Move the Town vote to amend the Town of Uxbridge Zoning Map and zoning districts to change the following parcels of land from the Agricultural District to the Industrial District. The parcels, according to the Town of Uxbridge Assessor's Map are as follows: Map 21 – Parcel 1416/Map 15-Parcel 1443, 684, 655, 651 and 14187 Map 9-Parcel 4635, 4673, 4615, 4724.

Article 11: Fall ATM (November 18, 2003)

Voted to amend the Zoning Map incorporated in its Zoning Bylaws by changing the zoning district designation of the parcel of land located on the northeasterly side of Ironstone St. shown on a plan entitled "Proposed Zoning Change on Ironstone St., Uxbridge, Mass." dated September 11, 2003, a copy of which is on file with the Town Clerk, from Agricultural to Business.